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CANADIAN CENTRE FOR
JUSTICE STATISTICS/

Consultation on the administrative organization of Manitoba probation services

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August 31, 1984

Mr. Michael Mendelson,
Deputy Minister of Community Services
Room 310, Legislative Buildings,
Winnipeg, Manitoba.
R3C 0V8

Dear Mr. Mendelson:

On behalf of the authors, I am pleased to enclose:

"A Consultation on the Administrative Organization of Manitoba Probation Services".

This undertaking has been particularly satisfying for the Canadian Centre for Justice Statistics. It has shown that the Centre's assistance to provinces and territories can reach beyond traditional statistical services to include tasks with broad analytical components. This is very much in keeping, I believe, with the objectives of the Justice Information Council and serves to make the Centre more responsive to information needs faced by the jurisdictions.

The engagement has been precedent-setting in other ways. As you know, it meant seconding two Centre staff for 6 to 8 weeks to your staff; retaining the services of a third party - John Ekstedt; calling upon the resources of the local Statistics Canada Regional Office; and using the facilities of your Department. Thus, it has demonstrated the logistical feasibility of a multi-lateral service arrangement and has revealed a new face to the federal-provincial partnership upon which the Centre is founded.

I trust the findings and the courses of action described and recommended will prove helpful during the forthcoming stages of organizational development within the Department of Community Services.

Yours sincerely,

Gaylen A. Duncan,
Executive Director

c.c. D. Bruce Petrie, Assistant Chief Statistician

CCJS/5320-30/48

ACKNOWLEDGEMENTS

This undertaking, involving an intense round of discussions throughout Manitoba, could not have been completed without the co-operation of members of the Probation Service. Senior Probation Officers, in particular, asssisted us by arranging local consultation schedules with Regional Directors, Judges, Crown Attorneys, Police, etc., - often on short notice. Among Probation Management we would especially like to thank Mr. Wayne Scarth and Mr. Paul Leveille.

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We must extend our special appreciation to Dr. John W. Ekstedt, Director of the Institute of Study of Criminal Justice Policy at Simon Fraser University, for his valuable advice and material.

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Finally, our colleagues Dr. Gaylen Duncan and Mr. Dennis Hartman generously offered comments on an earlier draft. Despite all of this advice and assistance, of course, any errors or omissions remain the responsibility of the authors.

Alfred Black
Rick Beattie

Ottawa, August 31, 1984.

CONSULTATION ON THE ADMINISTRATIVE ORGANIZATION

OF

MANITOBA PROBATION SERVICES

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Canadian Centre for Justice Statistics

for: Michael MENDELSON
Deputy Minister of Community Services
Province of Manitoba

August 31, 1984.

TABLE OF CONTENTS

Page

A. EXECUTIVE SUMMARY 1

1. Introduction 1
2. The Manitoba Probation Service 1
3. Corrections Philosophy and Management 3
4. Alternative Organizational Structures 7
5. The Influence of the Young Offenders Act 12
6. Operation of Youth Justice Services 14
7. Other Issues 18
8. The Size of the Probation Service 21
9. Next Steps in Organizational Development 22

B. INTRODUCTION 24

1. Background 25
2. Terms of Reference 26
3. Conduct of the Consultation 27
4. Organization of this Document 29

C. BACKGROUND: FEATURES OF THE PROBATION SERVICE 30

1. Mandate and Role 31
2. Administrative History 35
3. An Overview of the Organizational Structure 38
4. Operation of the Probation Service 43

Page

D. CORRECTIONS PHILOSOPHY AND MANAGEMENT 60

1. An Approach to Organizational Development 61

2. Philosophy and Mandate 63

3. The Continuum of Correctional Services 67

E. ALTERNATIVE ORGANIZATIONAL STRUCTURES 73

1. Preferred: Regionalized Community Corrections Management 74

2. Full Regionalization of Corrections 82

3. A Central Probation Directorate 86

4. Amalgamate Youth Probation Services with Child and Family Services 90

F. THE INFLUENCE OF THE YOUNG OFFENDERS ACT 95

1. A Departmental Approach to the YOA 98

2. Sources of Influence of the YOA on the Probation Service 103

G. OPERATION OF YOUTH JUSTICE SERVICES 106

1. The Current Youth Justice System 107

2. Why Manitoba Involvement Rates are High 116

3. Suggestions for Modifying the Youth Justice System 120

H. OTHER ISSUES 124

1. The Separation of Probation Services for Adults from those for Youth 125

2. Program Linkages with Child and Family Services 132

3. Information Systems 147

I. THE SIZE OF THE PROBATION SERVICE 152

Page

J. NEXT STEPS IN ORGANIZATIONAL DEVELOPMENT 161

1. Endorse and legitimize philosophy 162

2. Revert Juvenile Corrections to the Corrections Division 163

3. Create a Central Support Service 163

4. Establish an Interim Management Committee 163

5. Downsize the Probation Service 164

APPENDICES

1. Terms of Reference
2. List of Persons Involved in Consultation
3. Bibliography
4. Ministerial Letter to all staff, January 1984
5. Screening Criteria to Non-Judicial Processing
6. Brandon Police Department: YOA Procedures
7. Profile of Youths Committed to Open Custody (April 2 to July 11, 1984)
8. The Charging Process for Juvenile or Young Offenders
9. Long Range Planning Processes
10. Manitoba Probation Services: Central Statistical Features of the Caseloads of Probation Services 1977 to 1983
11. Juveniles Cleared by Charge by the Police for Criminal Code Offences, Selected Police Jurisdictions, Canada, May 1983 and 1984
12. A Comparison of Manitoba to the Saskatchewan Child Welfare Model
13. A Calculation: The Proportion of Services to Adults or Youth
14. A Child Welfare Versus a Justice Process for Youth: Two Factors Affecting the Choice

LIST OF TABLES

Page

1. Manitoba Probation Services: Staff Year Assignments - June 1983 40
2. Central Statistical Features of the Administration of the Manitoba Probation Service 48
3. Manitoba Probation Services 1983 - Central Statistical Features of the District Office Delivery of Probation Services 57
4. Manitoba Probation Services: Probation Outcome Terminated Successfully in 1983, Adult and Juvenile Cases 58
5. Number of Juveniles Charged with Federal Statute Charges (Criminal Code and Other Statutes) per 1,000 Juveniles, Canada and Selected Provinces by Age, 1982 114
6. Number of Male Juveniles Charged with Federal Statute Charges (Criminal Code and Other Statutes) per 1,000 Juveniles, Canada and Selected Provinces by Age, 1982 115
7. Number and Percentage of Juveniles Charged, Warned and Referred, Major Metro Areas, Canada, December 1976 118
8. Rate of Police Contacts per 1,000 Juveniles, Major Metro Areas, Canada, December, 1976 119
9. Manitoba Probation Services: Resources for Adult Services 1982-83 126
10. Manitoba Probation Services: Length of Probation Orders - Adults and Juveniles, Cases Active - June 1984 127
11. Manitoba Probation Services: Offender Classification, Adults and Juveniles, Cases Active June 1984 128
12. Manitoba Probation Services: Offender Needs - 1983 128
13. Adult Probation Services 1982-83, Manitoba, Saskatchewan Alberta 156
14. Potential CAP Cost-sharing of Salaries of Staff Transferred To Child Welfare Duties 159
15. Potential YOA Cost-sharing of Salaries of Staff Performing New YOA-related Probation Duties 159

LIST OF FIGURES

Page

1. Manitoba Probation Service: Recent Trends (1977-83) in Probation Caseloads and the Composition of Assessments (1983) 4

2. Organizational Alternative: Regionalized Community Corrections Management Concept 8

3. Organizational Alternative: Full Regionalization of Corrections Concept 9

4. Organizational Alternative: Central Probation Management Concept 10

5. Organizational Alternative: Amalgamation with Child and Family Services 11

6. Juveniles Charged by the Police (Criminal Code Offences), Selected Police Jurisdictions - Canada: May 1983 & 1984 12

7a) Manitoba Youth Justice Caseflow, 1983 14

7b) Number of Delinquents per 1,000 Juveniles, Canada 1982 15

8. Probation Services in Manitoba: Organizational Chart - June 1983 39

9. Manitoba Corrections Division: Organizational Overview of Central Functions 42

10. Manitoba Probation Service: Years of Experience with the Service 43

11. Manitoba Probation Service: Trends in Supervision Caseload 1977-83 53

12. Manitoba Probation Services: Trends in Assessments 1977-83 54

13. Manitoba Probation Services: Composition of Assessments 56

14. Organizational Alternative: Regionalized Community Corrections Management Concept 75

15. Organizational Alternative: Full Regionalization of Corrections Management Concept 83

16. Organizational Alternative: Central Probation Management Concept 87

LIST OF FIGURES (Continued)

Page

17. Organizational Alternative: Amalgamation with Child and Family Services 91

18. Juveniles Charged by the Police (Criminal Code Offences), Selected Police Jurisdictions - Canada: May 1983 & 1984 97

19. Probation Services to Youth: A Comparison of the Young Offenders Act with the Juvenile Delinquents Act 104

20. Manitoba Youth Justice Caseflow, 1983 108

21. Number of Delinquents Per 1,000 Juveniles, Canada 1982 110

22. Number of Delinquents Per 1,000 Juveniles, Manitoba and Canada: 1977, 1979-81 112

23. The Proposed Functioning of Elements of a Modified Youth Justice System 121

24. Boundaries of the Children's Aid Societies in the Winnipeg Area 145

25. Boundaries of the Probation District Offices in the Winnipeg Area 146

A. EXECUTIVE SUMMARY

1. Introduction
2. The Manitoba Probation Service
3. Corrections Philosophy and Management
4. Alternative Organizational Structures
    - a) Preferred: Regionalized Community Corrections Management
    - b) Full Regionalization of Corrections
    - c) A Central Probation Directorate
    - d) Amalgamate Youth Probation Services with Child and Family Services
5. The Influence of the Young Offenders Act
6. Operation of Youth Justice Services
7. Other Issues
8. The Size of the Probation Service
9. Next Steps in Organizational Development

A. EXECUTIVE SUMMARY

1. Introduction

Reflecting a government-wide reorganization, the Department of Community Services commenced its own phased reorganization in January 1984. One of the programs believed to merit restructuring was Probation, particularly its services for youth in light of the Young Offenders Act.

The proposed restructuring of Probation was to be based on consolidating youth services in the Department along generic lines. However, the committment was made not to proceed without an extensive consultation among interested parties both within and without the Department. The Canadian Centre for Justice Statistics (the "Centre") was then approached to provide the necessary expertise for the consultation. Eventually, Centre staff contacted nearly 150 people whose views, along with documentary and statistical evidence, form the basis for the findings and recommendations in this report.

2. The Manitoba Probation Service

Probation's stated Mandate

* Probation contributes to the goals of the Criminal Justice System by providing community-based correctional services, as mandated by the Criminal Code, the Young Offenders Act and the Manitoba Corrections Act.

Role

* The role of Probation Officers (P.O's) remains in some doubt:

- the extent to which PO's should offer direct counselling versus indirect coordinating of other services is uncertain.

Organization

* As of June 1983, Probation utilized 169.5 staff-years as follows:

- 13 staff-years at the central Directorate (8%),
- 6 staff-years in Fine Option (4%),
- 87 staff-years in 8 Winnipeg offices (51%),
- 63.5 staff-years in 7 rural regions (37%).

* 102.5 (60% of the total) are service staff, excluding supervisors.

* The Corrections Division deployed 20 central support positions (administration, accounting, etc.) in 4 separate branches (Probation, Adult Corrections, Juvenile Corrections, Office of the Deputy Commissioner).

Operation

* Probation Officers/Workers are:

- well respected within their professional communities; and are
- often long-service veterans who share a common educational background (MSW's-26%, BSW's-36%)

* Administration:

- is strong and well-defined. Printed Standards ensure province-wide consistency in services;

- faces the challenge of respecting differences in rural versus Winnipeg operations (eg. in staffing, turnover, Standards)

* Management has been:

  - insular in terms of co-ordination with other branches of Corrections and of the Department, and with other Departments;
  - somewhat resistant to change in terms of not disseminating local service innovations around Manitoba.

* Service loads are illustrated in Figure 1:

  - supervision caseloads are increasing slowly and are assuming an increasingly Winnipeg/adult character,
  - report-writing (assessments) is declining, and
  - non-judicial reports comprise 40% of all assessments, at a cost of approximately 12,000 hours of service annually.

* 1/3 of youth and adults recidivate within the term of a probation order (orders average 1 1/3 year for juveniles, 1 2/3 years for adults).

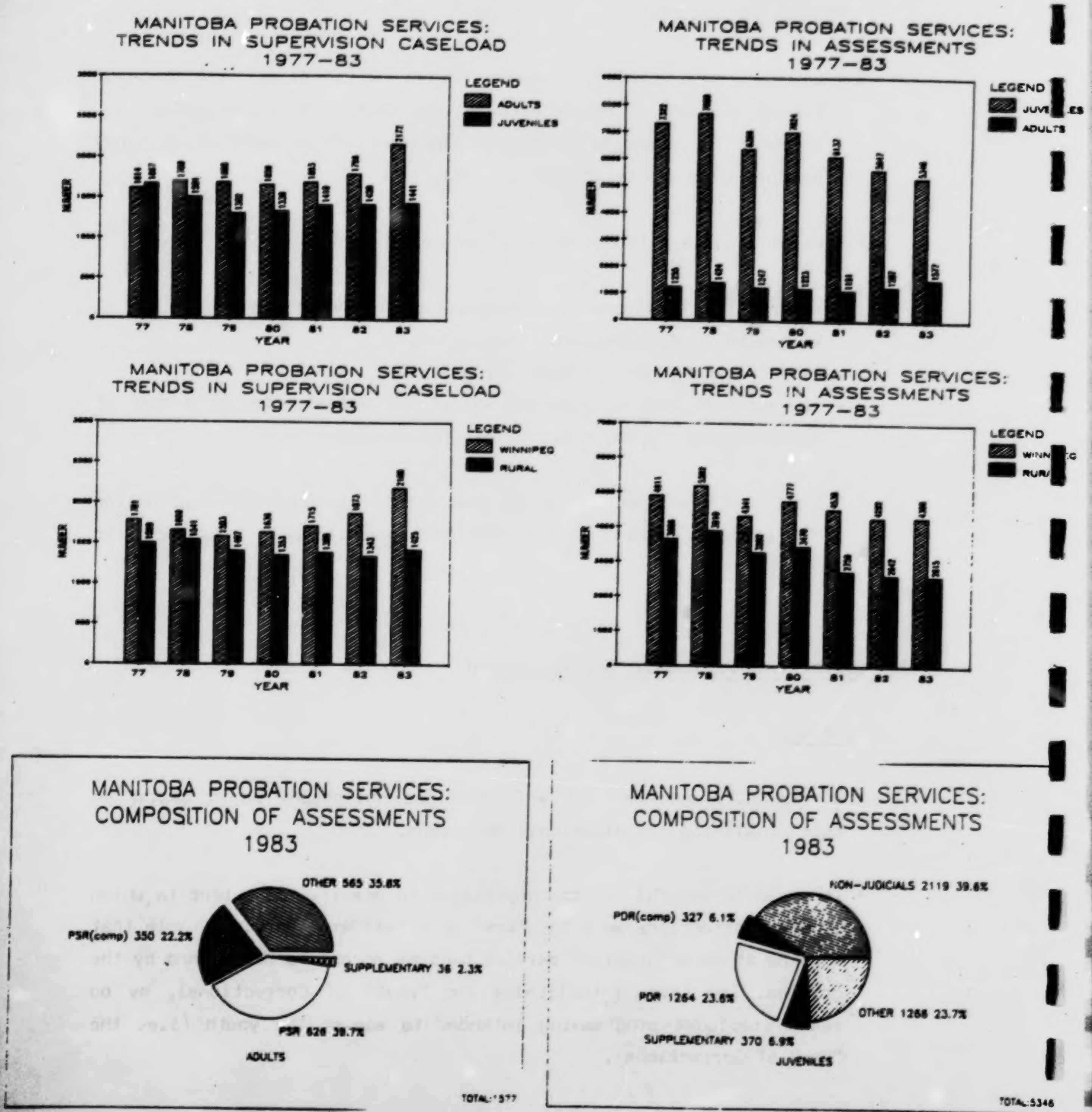
3. Corrections Philosophy and Management

Findings

* Government endorsement of a Corrections philosophy would assist in conceptualizing organizational decisions.

* It would be helpful for the Department to clarify the extent to which it sees Corrections as a "justice" or a "welfare" service. Note that viewing it as a "justice" service because access is determined by the criminal law (i.e. establishing the "what" of Corrections), by no means precludes programming intended to assist the youth (i.e. the "how" of Corrections).

FIGURE 1: Manitoba Probation Service: Recent Trends (1977-83) in Probation Caseloads and the Composition of Assessments (1983)



* Corrections has been managed in a fashion fostering independence among the three Service branches (Probation, Adult Corrections, Juvenile Corrections) which inhibits joint planning and programming.

* Corrections Division support services (administration, accounting, etc.) have been dispersed among four organizational units.

* Community Correctional services, although quite innovative locally, have been unstandardized around Manitoba. Hence program benefits tend to be localized.

Recommendations

Number 1: THAT the Department of Community Services, as a first element in future organizational development, develop a clear philosophy for Correctional Services.

Number 2: THAT the Department of Community Services declare Corrections to be a service promoting the interests of government in the administration of justice.

Number 3: THAT the Department of Community Services, following consultation with the Corrections Division, express support for a Corrections mandate including components such as:

a) the protection of society
b) the preservation of due process
c) fair consequences (i.e., punishment being commensurate with the seriousness of the offence)
d) minimal intervention
e) emphasizing community involvement and responsibility to the highest degree possible
f) ensuring that Correctional Services are as beneficial as possible for the offender, and facilitate the successful re-integration of the offender into society as a law-abiding citizen

Number 4: THAT the Department of Community Services, in consultation with the Corrections Division, declare support for certain management principles; among them:

a) including Corrections as part of the "Criminal Justice System", by encouraging regular consultation at the provincial level among the police, the courts, Crown Counsel, officials of the Department of the Attorney General, etc.; and

b) developing a decentralized style of management within the Division.

Number 5: THAT Corrections Division develop a unified executive management process, representing the main service areas of the Division, and functioning on a regular basis.

Number 6: THAT Corrections Division unify its central management support structure under a Director responsible to the Assistant Deputy Minister and participating in the executive management process.

Number 7: THAT the Corrections Division recognize various models for standardized community-based services.

Number 8: THAT the Department of Community Services consider utilizing operational funds to encourage and enable Community Correctional Services in response to local priorities.

Number 9: THAT the Department of Community Services encourage the Juvenile Justice Committees now operating within Manitoba to become more independent of the Probation Service.

4. Alternative Organizational Structures

Assumptions

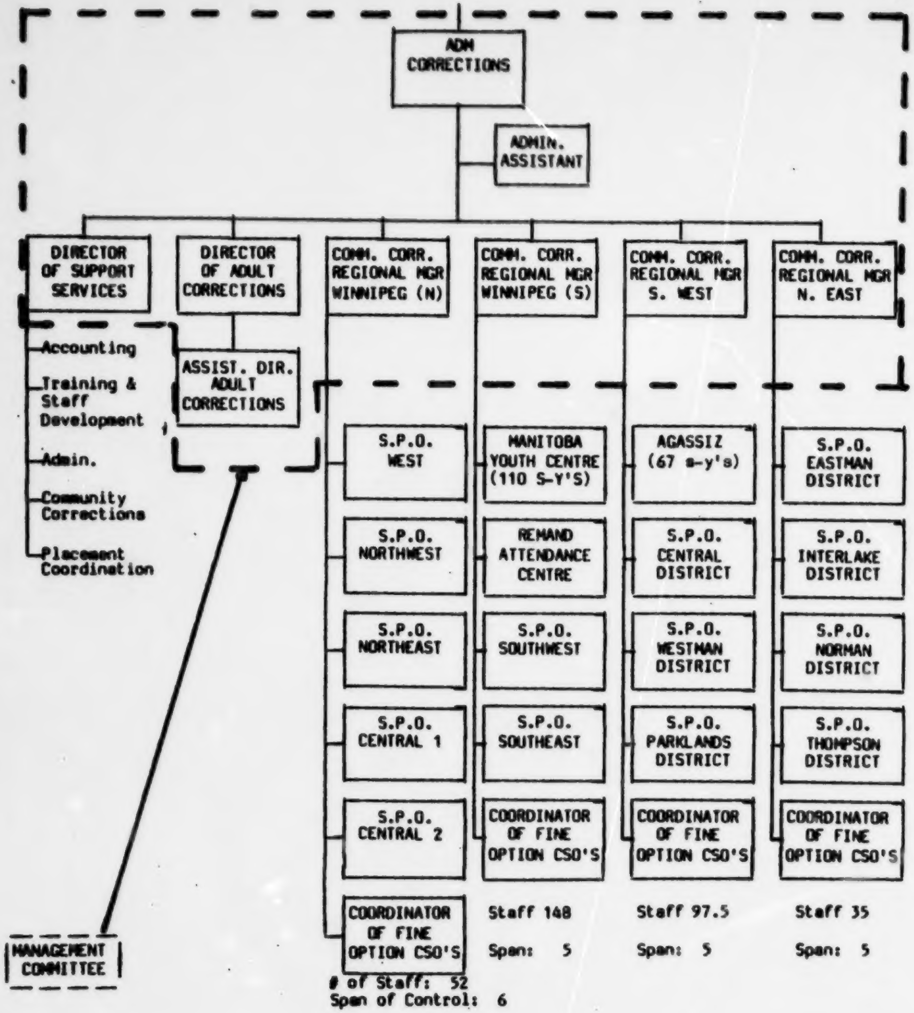
- An executive management committee is convened

- A central management support service is in place

- The ADM is assigned an Administrative Assistant

Figures 2, 3, 4, 5 present four (4) organizational alternatives, their features and overall assessments.

FIGURE 2 **Organizational Alternative: Regionalized Community Corrections Management Concept**


ADM CORRECTIONS
ADMIN. ASSISTANT
DIRECTOR OF SUPPORT SERVICES
Accounting
Training & Staff Development
Admin.
Community Corrections
Placement Coordination
DIRECTOR OF ADULT CORRECTIONS
ASSIST. DIR. ADULT CORRECTIONS
COMM. CORR. REGIONAL MGR WINNIPEG (N)
S.P.O. WEST
S.P.O. NORTHWEST
S.P.O. NORTHEAST
S.P.O. CENTRAL 1
S.P.O. CENTRAL 2
COORDINATOR OF FINE OPTION CSO'S
# of Staff: 52
Span of Control: 6
COMM. CORR. REGIONAL MGR WINNIPEG (S)
MANITOBA YOUTH CENTRE (110 S-Y'S)
REMAND ATTENDANCE CENTRE
S.P.O. SOUTHWEST
S.P.O. SOUTHEAST
COORDINATOR OF FINE OPTION CSO'S
Staff 148
Span: 5
COMM. CORR. REGIONAL MGR S. WEST
AGASSIZ (67 s-y's)
S.P.O. CENTRAL DISTRICT
S.P.O. WESTMAN DISTRICT
S.P.O. PARKLANDS DISTRICT
COORDINATOR OF FINE OPTION CSO'S
Staff 97.5
Span: 5
COMM. CORR. REGIONAL MGR N. EAST
S.P.O. EASTMAN DISTRICT
S.P.O. INTERLAKE DISTRICT
S.P.O. NORMAN DISTRICT
S.P.O. THOMPSON DISTRICT
COORDINATOR OF FINE OPTION CSO'S
Staff 35
Span: 5
MANAGEMENT COMMITTEE

* 4 Regional Managers
- balances rural/Winnipeg concerns
- decentralizes decisions
- allows local initiative
- allows local liaison with Children's Services
- creates promotional opportunities for SPO's

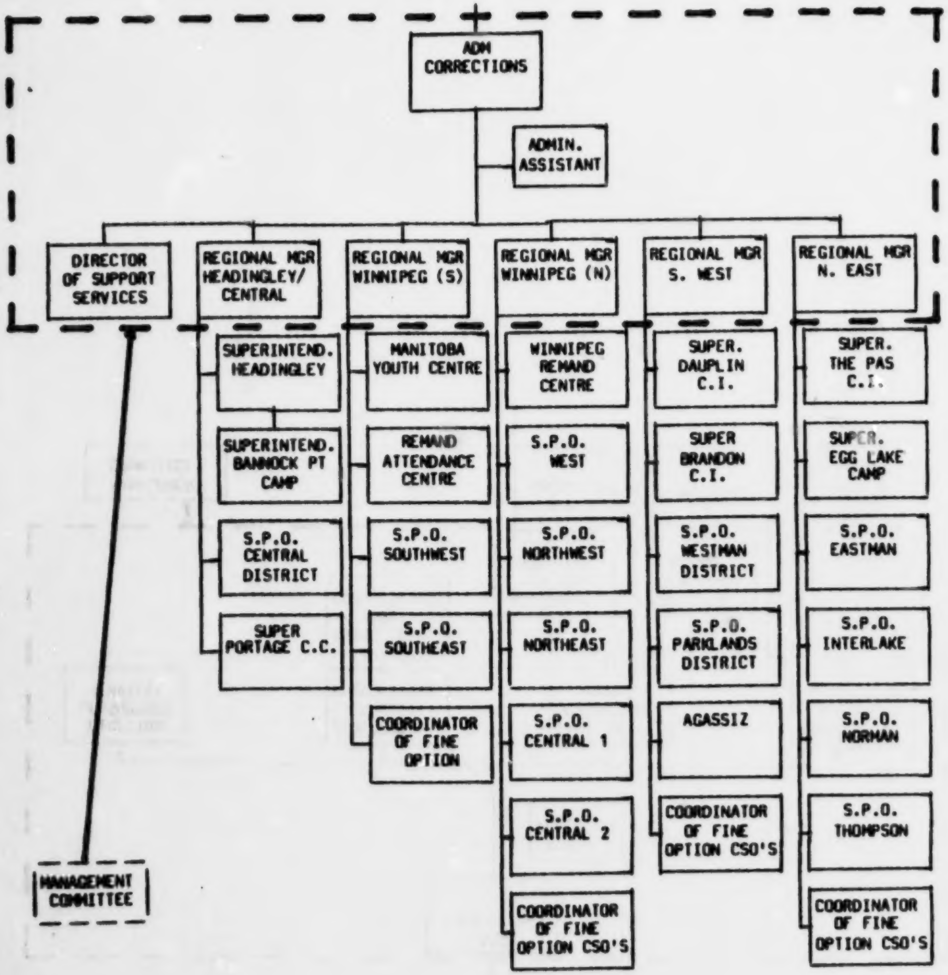
* $-Implications Minimal

* Reaction:
- positive from Criminal Justice community
- divided from Probation (i.e. some favour, some oppose)

* Disadvantages:
- loss of uniformity

* Assessment
- preferred alternative
- reflects committment to community
- signals sense of renewal
- readily carried out

FIGURE 3 Organizational Alternative: Full Regionalization of Corrections Concept


ADM CORRECTIONS
ADMIN. ASSISTANT
DIRECTOR OF SUPPORT SERVICES
REGIONAL MGR HEADINGLEY/ CENTRAL
REGIONAL MGR WINNIPEG (S)
REGIONAL MGR WINNIPEG (N)
REGIONAL MGR S. WEST
REGIONAL MGR N. EAST
SUPERINTEND. HEADINGLEY
SUPERINTEND. BANNOCK PT CAMP
S.P.O. CENTRAL DISTRICT
SUPER PORTAGE C.C.
MANITOBA YOUTH CENTRE
REMAND ATTENDANCE CENTRE
S.P.O. SOUTHWEST
S.P.O. SOUTHEAST
COORDINATOR OF FINE OPTION
WINNIPEG REMAND CENTRE
S.P.O. WEST
S.P.O. NORTHWEST
S.P.O. NORTHEAST
S.P.O. CENTRAL 1
S.P.O. CENTRAL 2
COORDINATOR OF FINE OPTION CSO'S
SUPER. DAUPLIN C.I.
SUPER BRANDON C.I.
S.P.O. WESTMAN DISTRICT
S.P.O. PARKLANDS DISTRICT
AGASSIZ
COORDINATOR OF FINE OPTION CSO'S
SUPER. THE PAS C.I.
SUPER. EGG LAKE CAMP
S.P.O. EASTMAN
S.P.O. INTERLAKE
S.P.O. NORMAN
S.P.O. THOMPSON
COORDINATOR OF FINE OPTION CSO'S
MANAGEMENT COMMITTEE

* 5 Regional Managers
- creates true correctional managers
- balances institutional and community concerns at local level
- enables full regional decision-making

* Many details need to be examined

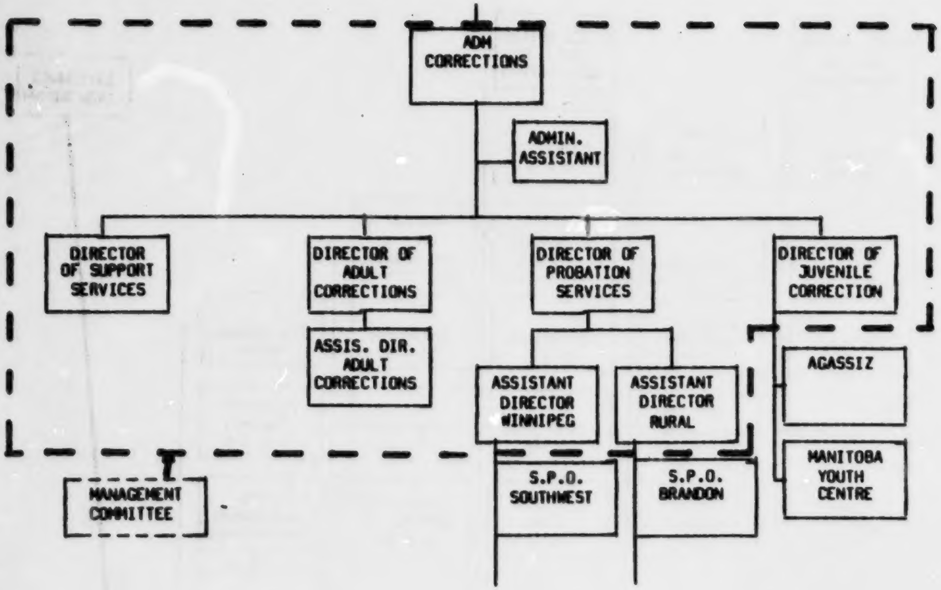
* $-Implications likely minimal

* Reaction:
- uncertainty arising from unfamiliarity

* Disadvantages:
- radical shift

* Assessment
- a possible logical goal for 5 years, after experience with regionalization

FIGURE 4 **Organizational Alternative: Central Probation Management Concept**


ADM CORRECTIONS
ADMIN. ASSISTANT
DIRECTOR OF SUPPORT SERVICES
DIRECTOR OF ADULT CORRECTIONS
ASSIS. DIR. ADULT CORRECTIONS
DIRECTOR OF PROBATION SERVICES
ASSISTANT DIRECTOR WINNIPEG
ASSISTANT DIRECTOR RURAL
S.P.O. SOUTHWEST
S.P.O. BRANDON
DIRECTOR OF JUVENILE CORRECTION
AGASSIZ
MANITOBA YOUTH CENTRE
MANAGEMENT COMMITTEE

* Leaves Probation essentially as is

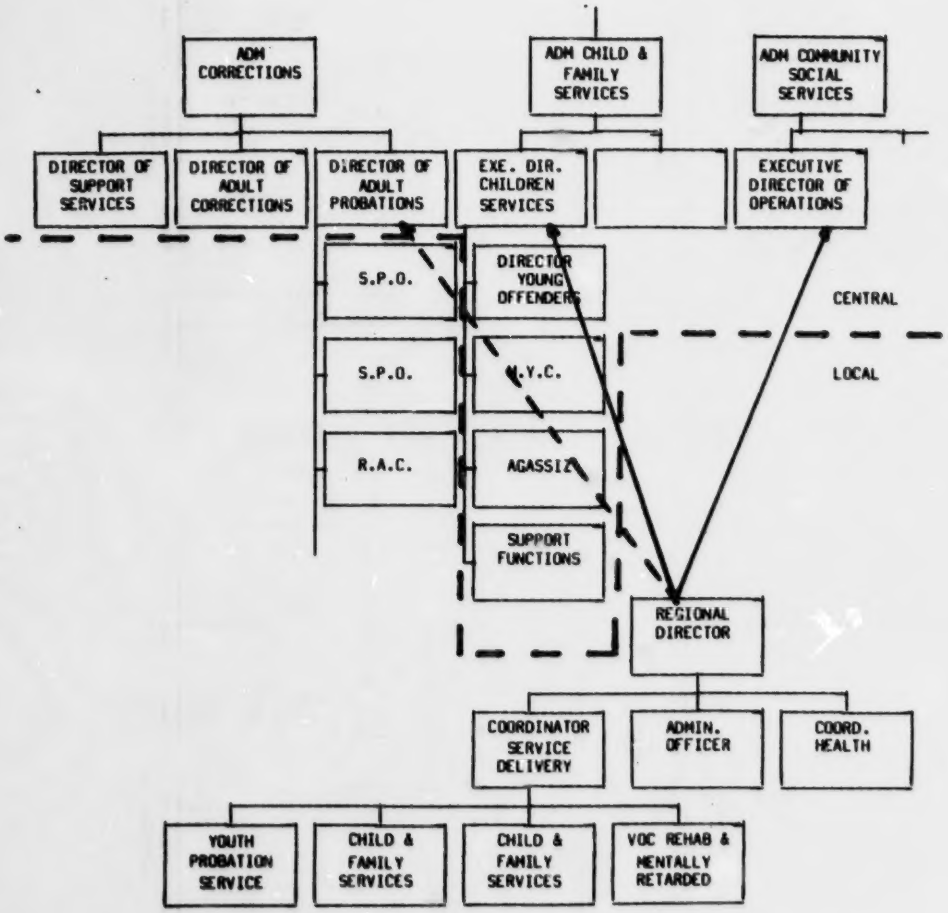
* $-Implications Mininal

* Reaction:
- positive from Probation
- Neutral from Criminal Justice community

* Disadvantages:
- less sense of renewal
- fewer promotional opportunities
- may reduce dispersal of new programs among offices
- fails to provide sound organizational basis for development of Community Corrections

* Assessment
- minimizes dislocation
- least change
- viable

FIGURE 5 **Organizational Alternative: Amalgamation with Child and Family Services**


ADM CORRECTIONS
ADM CHILD & FAMILY SERVICES
ADM COMMUNITY SOCIAL SERVICES
DIRECTOR OF SUPPORT SERVICES
DIRECTOR OF ADULT CORRECTIONS
DIRECTOR OF ADULT PROBATIONS
EXE. DIR. CHILDREN SERVICES
EXECUTIVE DIRECTOR OF OPERATIONS
S.P.O.
S.P.O.
R.A.C.
DIRECTOR YOUNG OFFENDERS
M.Y.C.
AGASSIZ
SUPPORT FUNCTIONS
CENTRAL
LOCAL
REGIONAL DIRECTOR
COORDINATOR SERVICE DELIVERY
ADMIN. OFFICER
COORD. HEALTH
YOUTH PROBATION SERVICE
CHILD & FAMILY SERVICES
CHILD & FAMILY SERVICES
VOC REHAB & MENTALLY RETARDED

* Radical restructuring along lines of generic youth service

* $-Implications - local duplication of service to adults/youth would add to cost (+25% in rural areas by one estimate)

* Reaction:
- negative from Probation
- negative from Criminal Justice community

* Disadvantages:
- weakens Corrections
- administratively complex

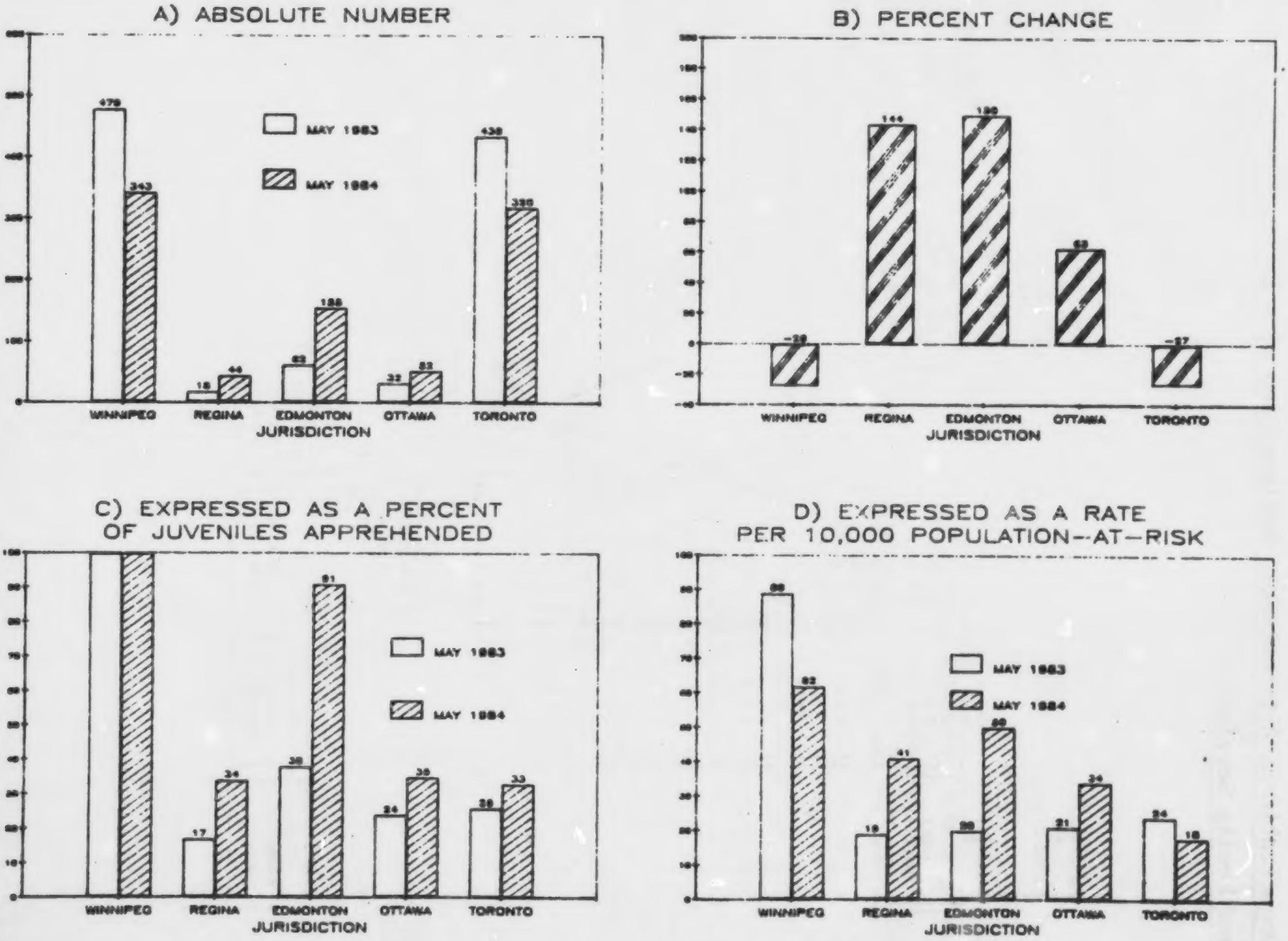
* Assessment
- not viable for programmatic, administrative reasons; and involves extra costs

5. The Influence of the Young Offenders Act

Findings

- The YOA could be very influential on the size and procedures of the whole Criminal Justice System; see Figure 6 for selected preliminary statistics.

FIGURE 6



JUVENILES CHARGED BY THE POLICE (CRIMINAL CODE OFFENCES)
SELECTED POLICE JURISDICTIONS - CANADA: MAY 1983 & 1984

- From Figure 6, note that Winnipeg cleared by charge 100% of youth in May 1984 (cf. 100% of juveniles in May 1983), but the absolute numbers of youth have declined 25% from May 1983 to May 1984. The drop is to a level that remains high compared to other cities.

* The YOA circumscribes the role of Probation Officers, limiting their probation functions largely to court-ordered report writing and supervision. This may encourage altering the mix of skills away from social workers and to crimonologists. As well, because these activities include many which are straight-forward and governed by written Standards, some of them may be delegated to administrative staff, lessening the need for professional intervention.

* The YOA is described by many as "a mini-Criminal Code" but this characterization may be harmful because it could lead to unintended and inappropriate spillover of adult procedures and attitudes to youth services

* Uncertainty was expressed about whether detention and/or custody under the YOA was assuming a purpose related to the general welfare of the youth, rather than a purpose stemming from correctional concerns with specific behaviour in conflict with the law.

Recommendations

Number 10: THAT the Department of Community Services adopt the policy that the Young Offenders Act is criminal law (but not a mini-Criminal Code) and not child welfare legislation.

Number 11: THAT the Department adopt a policy that non-custodial arrangements (to which reference may appear in the YOA) have the purpose of providing parenting or shelter and are a child welfare responsibility.

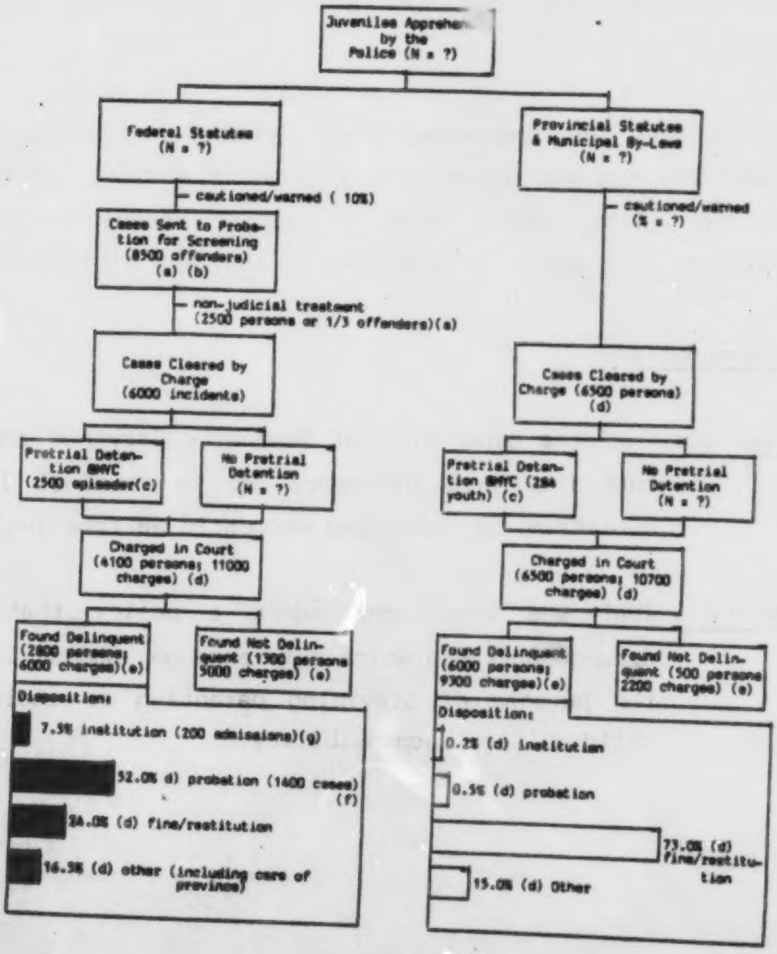
Number 12: THAT the Department adopt the companion policy (i.e., to #11) that detention, and open and closed custody orders have the purpose of controlling the youth's behaviour, which is in conflict with the law, and are a Corrections responsibility.

6. Operation of Youth Justice Services

Findings

- Probation reports handling about 13,000 juvenile cases annually, of which over 10,000 are referrals for assessments.

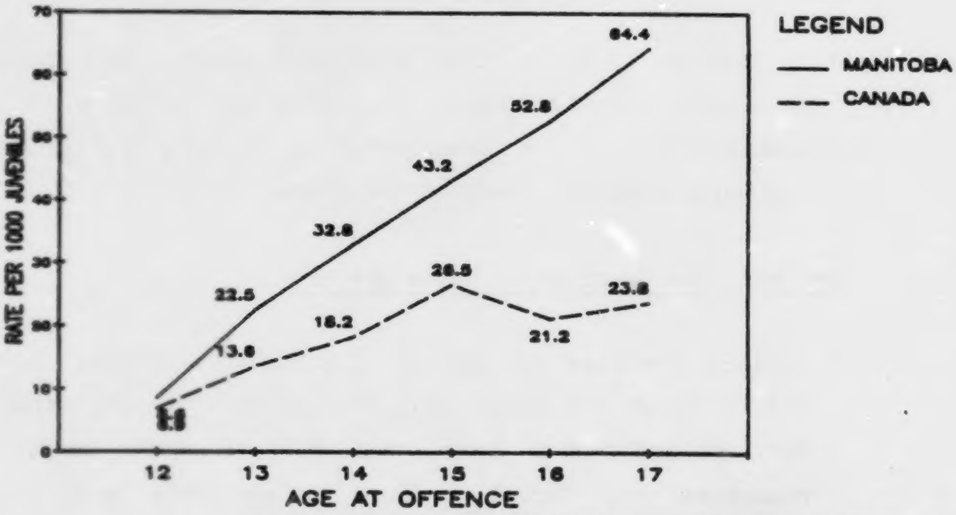
FIGURE 7a Manitoba Youth Justice Caseflow, 1983


Juveniles Apprehen. by the Police (N = ?)
Federal Statutes (N = ?)
Provincial Statutes & Municipal By-Laws (N = ?)
cautioned/warned (10%)
cautioned/warned (% = ?)
Cases Sent to Probation for Screening (8500 offenders) (a) (b)
non-judicial treatment (2500 persons or 1/3 offenders)(a)
Cases Cleared by Charge (6000 incidents)
Cases Cleared by Charge (6500 persons) (d)
Pretrial Detention MYC (2500 episodes(c)
No Pretrial Detention (N = ?)
Pretrial Detention MYC (284 youth) (c)
No Pretrial Detention (N = ?)
Charged in Court (4100 persons; 11000 charges) (d)
Charged in Court (6500 persons; 10700 charges) (d)
Found Delinquent (2800 persons; 6000 charges)(e)
Found Not Delinquent (1300 persons 5000 charges) (e)
Found Delinquent (6000 persons; 9300 charges)(e)
Found Not Delinquent (500 persons 2200 charges) (e)
Disposition:
7.5% institution (200 admissions)(g)
52.0% d) probation (1400 cases) (f)
24.0% (d) fine/restitution
16.5% (d) other (including care of province)
Disposition:
0.2% (d) institution
0.5% (d) probation
73.0% (d) fine/restitution
15.0% (d) Other

- The estimated annual caseflows through the components of the Youth Justice System appear as Figure 7a; note:
  - of the 8,500 offenders against Federal Statutes (in 6,000 incidents cleared by charge) 2,500 were detained at the Manitoba Youth Centre (or 30%)
  - 4,100 youth were charged in court, and 2,800 were found delinquent.
  - a further 6,500 youth were charged with Provincial Statute offences.

FIGURE 7b

NUMBER OF DELINQUENTS
PER 1000 JUVENILES
CANADA
1982



SOURCE: CANADIAN CENTRE FOR JUSTICE STATISTICS—UNPUBLISHED FIGURES

- Figure 7b compares the Manitoba and Canada charge rates for Federal Statutes (which are the number of youth charged at each age, divided by the number of youth of each age in the Manitoba/Canada populations):
  - Manitoba's charge rates exceed the national averages at each age. This excess increases with age, rising to 171% over average for 17 year-olds;

- in fact (as shown in Capter G), Manitoba's charge rates are the highest in Canada for every age (except age 12 where they are second highest);

- if Manitoba's charge rates were collapsed to the national averages, only 1,700 (rather than 4,100) youth would be charged annually. Lower charge rates would then contribute to unclogging the courts and to retaining the mystique of the courts for youth who otherwise can become "wise to the system".

Note: Manitoba's one of 4 provinces with 16 year-olds within the jurisdiction of Juvenile Courts; and one of 2 provinces with 17 year-olds within that jurisdiction.

* In Chapter G, it is shown that Manitoba's higher charge rates have persisted since at least 1977, and are evidence of the informal continuation of the practice then, whereby the Probation Service virtually made all charging decisions.

Why Manitoba Involvement Rates are High

* Limited exercise of police discretion - rather than exercising discretion on the street through issuing warnings, talking to parents etc., police tend to charge and refer the youth to Probation. This resembles the formal process before 1978 when Probation made virtually all charging decisions. Elsewhere in Canada, police exercise greater discretion on contact.

* The non-judicial screenings carried out by Probation are governed by fairly restrictive guidelines - hence, 2/3 of referrals proceed to charge. Non-judicial screening also is not a particularily "informal" process as a record is retained, and may be used later to disqualify a youth from further diversion.

Recommendations

Number 13A: THAT the Department of Community Services open discussions with the Department of the Attorney General to encourage the development of guidelines acceptable to the police for exercising discretion.

Number 13B: THAT the Department of Community Services encourage the development by Child Welfare Services of a 24-hour shelter and transportation program in Winnipeg and perhaps elsewhere, including residential care facilities which can handle disturbed or intoxicated youth, with very easy access by the police.

Number 13C: THAT the Department of Community Services approach the Department of the Attorney General to develop a two-tier referral procedure to alternative measures programs. The earlier stage would allow direct referral to an alternative measure by the police prior to charge. The second stage would allow referrals to an alternative measure by the Crown once a charge is laid.

Number 13D: THAT the Department of Community Services approach the Department of the Attorney General to consider instituting a system of warning letters on the part of the Crown.

Number 13E: THAT the Department of Community Services re-direct the Probation Service away from arranging all alternative measures and toward: a) case management where there is a referral from the Crown, b) involvement, on the request of an alternative measures agency, where there is a referral on the part of the police; and c) the development of agencies managing alternative measures of various kinds throughout Manitoba.

7. Other Issues

Probation Services to Adults and Youth

- Services to youth constitute about 60% of the total Probation Service.
- Youth probationers differ from adult probationers:
  - by receiving shorter average probation sentences of 15.6, rather than 19.9 months,
  - in tending to experience greater problems with peers, friends, family.
- Specialization into an Adult and a Youth Service is not practical:
  - given that district offices could be broken up into unmanageably small units,
  - given that a mixed caseload of youths/adults is believed to prevent burnout as adult cases are less burdensome than youth.

Probation Linkages to Children's Services

- The principle of generic services to youth, used as a basis for other reorganization proposals, was not well understood by the Department and required clarification and elaboration.
- Probation can be demarcated from Children's Services by being considered a Correctional service, while the other is a parenting/shelter service.
- Placement of children is an area where Correctional and parenting/shelter questions may overlap but confusion is minimized if open & closed custody and detention are seen as a Correctional

responsibility while shelter and parenting services (even when concurrent to the court process) are seen as a Child Welfare responsibility.

- Regional boundaries of Probation and the Child Care Agencies can be readily aligned in Winnipeg and elsewhere.

Information systems

- Probation maintains the most comprehensive records on juvenile offence histories (one indication of this is the enormous number of juvenile cases - 13,000-which Probation records annually), but this responsibility should be shifted to court services, for use by prosecutors etc., and to police who also have access to the nation-wide CPIC system.

- Previous Probation records could be governed by the record-keeping provision of the Young Offenders Act. This would exert a beneficial limit on the extent to which older (JDA) records or records on "non-judicials" are used in decision-making.

- An Offender's records are not linked among Correction's programs, but such linkage offers considerable operational/management advantages.

Recommendations

Number 14: THAT the services of Probation not now be specialized into a Youth and Adult Service.

Number 15: That the Department declare a philosophical distinction between Child and Youth Services - premised on the state providing non-custodial parenting or shelter- and Youth Correctional Services (particularly Probation) - based upon state intervention due to criminal behaviour.

Number 16: THAT the Department of Community Services encourage greater co-ordination of the placement functions of the Child Care Authorities and the Probation Service.

Number 17: THAT the Department of Community Services restructure the geographical boundaries of the Probation Service district offices to be co-terminus with the Child Care Agency boundaries.

Number 18: THAT the Department of Community Services adopt a position that it and the Department of the Attorney General, (directly through court services as well as indirectly through the police), share responsibility for record keeping systems on young offenders; but THAT the Department of the Attorney General should have overall responsibility for record-keeping pertaining to the police and court records.

Number 19: THAT the Probation Service,

- Apply the record-keeping provisions of the YOA (ss. 40-46) to records collected under the Juvenile Delinquents Act; viz. the Probation Service would not report to court, in a verbal or a written PDR, past offences which were not indictable (where a two year crime-free period has elapsed), or past offences which were indictable (where a five year crime-free period has elapsed);
- silence records of alternative measures (i.e. non-judicials); that is, in the spirit of the Young Offenders Act, prohibit records of alternative measures from being used in subsequent court processes.

Number 20: THAT Corrections undertake to develop an operational, offender-based information system in the Division.

8. The Size of the Probation Service

Findings

- The Probation Service employs more staff than is required to conduct its duties. Over the past few years Probation has withdrawn from a number of tasks without reducing its complement:

  - Probation has withdrawn from Child Welfare-like duties required under the Juvenile Delinquents Act but not required by the YOA:

    - ° being present in court for each juvenile on each charge. The reduction here was estimated at up to 10% of the total work of Probation to youth;
    - ° placing and maintaining children in foster homes. The reduction was estimated to be from 4½% to 10% of the total effort;
    - ° pre-trial advocacy, and maintaining a 24-hour on-call service. The reduction in effort through eliminating these tasks may be as much as 5% of the total.

  - Probation has withdrawn from escorting juveniles around the province

  - Probation has withdrawn from handling court clerking duties, i.e., setting up the dockets etc.

- The complement of the Probation Service to youth may be compared to those in Saskatchewan and Alberta. In Manitoba, the number of Probation Officers per capita is about twice that of these 2 jurisdictions.

- Probation Officers could be transferred to other duties in the Department, particularly Children's Services, as well as to the Department of the Attorney General to assist Crown Counsel in managing the diversion process for youth.

* Positions transferred to Children's Services would very likely be eligible for 50% cost-sharing through the Canada Assistance Plan.

Recommendation

Number 21: THAT the Department of Community Services acknowledge that the Probation Service is larger than required relative to present and anticipated workload; and, the Department address this issue by the transfer of an initial block of 25-30 staff to other duties within the Department or to duties within the Department of the Attorney General. A continuing review should be maintained after this initial transfer with further reallocations to occur if later warranted.

9. Next Step in Organizational Development

* Create an Implementation Group in the Department, chaired by the Assistant Deputy Minister of Corrections which would initially analyse and oversee the following:

- endorsement of a Corrections philosophy,
- reversion of Juvenile Corrections to Corrections,
- organization of support services in Corrections,
- establishment of an Interim Corrections Executive Management Committee, and
- downsizing of the Probation Service.

Conclusion

By taking the recommended steps, we believe Corrections Division would commence a process of renewal toward a just but at the same time efficient continuum of Correctional programs, serving the people of Manitoba.

B. INTRODUCTION

1. Background
2. Terms of Reference
3. Conduct of the Consultation
4. Organization of this Document

B. INTRODUCTION

1. Background

In November 1983, Premier Howard Pawley announced a re-organization of the Departments of the Manitoba Government, providing the Department of Community Services with a more focussed mandate. This Department henceforth would have responsibility for delivering social and correctional services.

Consequently, the Department began an internal, staged restructuring in January 1984, premised on the following principles:

- organizational sub-units should have a coherent mandate;
- mandates should cover a continuum of social services and in a generic fashion not be established according to particular handicaps or interventions;
- mandates should be comprehensive over functional areas;
- responsibility and workload should balance; and
- the re-organization should improve problem-solving in the Department and reflect government priorities.

Of particular concern to the Department was the administrative structure of the Corrections Division, especially that of Probation Services.

Within the past year, the Corrections programs had experienced considerable pressure. Organizationally, uncertainty and tension arose from changes among senior officers. Philosophically, Corrections had to overcome uncertainty about whether it is to serve a "social welfare" mandate or a "social justice" mandate. Programmatically, Corrections had to prepare to meet the challenges of managing a system of Provincial Correctional Institutions, especially that at Headingley, while placing greater reliance on community programming.

Moreover, the current implementation of the Young Offenders Act intensified the need to resolve the philosophical attitude toward Corrections and to shape its community programs, particularily Probation Services.

By its nature, Probation Services involves close professional ties to an myriad of agencies including the judiciary, crown counsel, the police, Correctional Institutions and Family and Childrens' Services, among others. As a result, management of the Department decided that the re-organization of Probation would not proceed prior to a consultation with these interested parties, and with the members of the Probation Service itself.

Initially the consultation was to have been undertaken during the late winter, and - as a first step - the general plans for Departmental re-organization were circulated to the judiciary, crown counsel and others, eliciting a number of responses. Regrettably, the individual originally asked to complete this work, was obliged to withdraw. The Department subsequently entered into the present consultation arrangement with the Canadian Centre for Justice Statistics.

2. Terms of Reference

This consultation was commissioned by the letter appearing in Appendix 1. The terms of reference were:

1. To determine and assess the views of:

   a) probation officers, senior probation officers, and the management of the probation services;
   b) other affected departmental staff including those responsible for other correctional services, juvenile institutions, family and childrens' services, and community services;
   c) other persons including the judiciary, members of the police community, crown counsel, defence counsel, private agencies, court administrators, the MGEA and so on, with respect to various organizational alternatives, and the implications of these options with respect to the departmental mandate, as well as with respect to program delivery, and resources;

2. To gather and analyse related support material, including case files, documents, reports and statistics;

3. To communicate your findings and conclusions to the Deputy Minister so that the merits and advantages of various alternatives, the means of making a transition to these alternatives, and the relationship to the current structures are indicated; and

4. To report before July 31, 1984.

3. Conduct of the Consultation

The conclusions reached in these pages reflect the approach required by the Department for this consultation.

Most importantly, we were free to draw any conclusions supportable by the material reviewed and by the substance of our discussions. As a result, our preferred alternative is a significant departure from the original proposals.

We were asked to hold structured discussions with each of the 15 Senior Probation Officers, as well as with as many of the Probation Officers as feasible - ultimately contacting almost 70. Two meetings - one in early June, and one in mid-July were convened with the Probation Management Committee. During the former of these meetings, a schedule for the consultation was established. During the latter, our tentative conclusions were presented and a number of valuable comments received.

The Probation Service expressed its collective views on the consultation through two reports. One was written by Senior Probation Officers, the second by the Manitoba Association of Probation Officers.

Following prepared questions, we solicited the views of nearly a dozen senior staff within the Department, including seven within the Corrections Division. Structured individual interviews were held also with the following:

- judges of the provincial court - 5
- crown counsel - 5
- defence counsel - 2
- members of the police community - 9
- court administrators - 3
- the MGEA - 1
- Regional Directors and Child and Family Service Staff - 13

Finally, we contacted senior officials of several other provinces in order to determine their organizational proposals in light of the Young Offenders Act. Saskatchewan and Alberta, considered to offer particularly relevant ideas for this process, were visited.

In all, 145 persons were contacted - a complete list of respondents forms Appendix 2. A list of the documents we reviewed comprises the bibliography in Appendix 3.

4. Organization of this Document

Following this introduction, the next chapter outlines selected features of the Probation Service. The report then turns to a series of chapters on substantive matters. Because Probation was traditionally central to the functioning of the Youth Justice System in Manitoba, we found that our review very quickly spilled over into broader youth justice questions. One of these questions, forming a natural backdrop to our deliberations, was the Manitoba Corrections philosophy, which we consider at some length. The report then procedes to discuss the various organizational alternatives available to the Department.

In the following 2 chapters, we consider the influence of the Young Offenders Act on the operation of Probation and suggest ways in which procedures involving Probation and others (e.g., the police, crown counsel) may be adapted to the YOA.

Three other issues which arose during the consultation are presented in the next-to-last substantive chapter: separating Adult from Youth Probation Services, linking Probation to Child and Family Services, and reforming the Information Systems.

Finally, the report addresses the question of the size of the Probation Service.

The report concludes with a chapter proposing for the Department some next steps it may wish to consider.

With respect to the recommendations, most are followed by a brief commentary intended to clarify the recommendation and to suggest the consequences of adopting it.

C. BACKGROUND: FEATURES OF THE PROBATION SERVICE

1. Mandate and Role
2. Administrative History
3. An Overview of the Organizational Structure
4. The Operation of the Probation Service
    a) The Probation Officer/Worker
    b) Administration and Management
    c) Service Load
    d) Program Issues

C. BACKGROUND: FEATURES OF THE PROBATION SERVICE

This Chapter presents features of the Manitoba Probation Service in order to provide a context for the various issues raised elsewhere in the report.

1. Mandate and Role

The most authoritative statement of mandate appears in the opening pages of the Probation Standards Manual (reference 13):

"1. The primary goal of the criminal justice system is the protection of the public; other important goals are the repudiation of criminal bevaviour, reparation to victims and constructive assistance to offenders."

"2. The Manitoba Probation Service contributes to the achievement of these purposes by providing a broad range of community-based services and programs with respect to young persons and adults who are in conflict with the law."

"3. These services and programs are mandated by federal and provincial legislation principally the Criminal Code of Canada, the Young Offenders Act and the Manitoba Corrections Act."

This formulation of mandate is such that it can be refined easily to fit within the overall Corrections philosophy set forth in Chapter D.

The role of Probation emerges from a legislative base, including:

- the Criminal Code of Canada	
- pre-sentence reports	s. 662(1)
- probation orders	s. 663(1), 663(2)
- transfers of orders	s. 665(1)
- failure to comply	s. 666(1), 666(2)
- the Manitoba Corrections Act	
- probation	s. 3(1) to 5.5 inclusive
- report of peace officer (on a child)	s. 11(4)
- recommendation (on bringing child to court)	s. 12
- examination of child	s. 15
- the Juveniles Delinquents Act	
- dispositions	s. 20(1), 20 (3)
- the Young Offenders Act	
- "youth worker"	s. 2(1), 37
- pre-disposition report	s. 14(1), 5 16(3)
- progress reports	s. 28(7)
- probation	s. 20(1)(j), 23, 30(6), 33(1)(a)
- escorted temporary absences	s. 35(1)(a)

With respect to juvenile delinquents, these provisions - especially those in the Juvenile Delinquents Act and the Corrections Act - had been used in the past as the authority for Probation to coordinate:

> "Services beginning at the conclusion of the police investigation and carrying through to the removal of all court-ordered sanctions."[1]

In practice, this meant a pervasive role for Probation Officers. They were authorized by the Attorney General to instruct in the laying of charges; they provided or arranged escort services for juvenile delinquents; they recorded court decisions, where court reporters were not present; and (we were informed by members of the judiciary, court services and crown attorneys) they "ran" the docket courts in Winnipeg, and the circuit courts. Probation Officers prepared a variety of reports on juveniles, attended court to represent the juveniles' interests, plea bargained on occasion, and asserted an overall influence within the courts. Finally, during the period of the judicial process, Probation arranged for residential placements for juveniles.

Over the past 5 or 6 years, Probation has withdrawn from a number of these duties:

- the formal authority to instruct on the laying of charges was rescinded after 1978, in response to the recommendations of the Juvenile Justice Committee chaired by Judge Harold ff Gyles (reference 12);

- a greater complement of court clerks and court reporters has reduced the need for Probation Officers to assist in providing court services;

- the placement program was reduced after 1978, as it was viewed increasingly as a child welfare function, and hence incompatible with the correctional orientation of Probation;

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[1] Rise of the Sparrow, p. 102.

- since 1982, the involvement in pre-court activities (such as representing a youth's interests during the police investigation) has been restricted; and

- escort services, although still paid for by Probation through its child maintenance budget, were transferred in 1983 to court services.

These retrenchments - some made in anticipation of the Young Offenders Act - leave Probation's role in services for youth more aligned to its conventional role for adults, namely court-ordered report writing and supervision. Even so, a question of continuing importance remains to be answered: whether services should be intrinsically direct (i.e. delivered through counselling and other extensive therapies) or indirect (delivered through case management, or brokering/networking services).

The Manitoba Probation Service addressed, but did not definitively answer this question some years ago through the Field Service Review Committee (reference 1). The Committee remarked on the two extreme positions and the weaknesses of each: "for probation officers to provide to all direct services [requires] a staff level beyond... resources"; "for probation officers to act as service brokers pre-supposes... sufficient ...voluntary services". In the presence of considerable anxiety and confusion as to which services a Probation officer could provide, the Committee claimed to mark a middle course, making a number of recommendations in the areas of:

- case management - use where appropriate, but monitor;
- contracting services - greater use, after experiments; and
- functional specialization - all staff develop skills with adults and juveniles, intake and supervision.

among others.

In introducing its report, the Committee gave thought to the difficulties in modifying "long-term [criminal] behaviour patterns", and touched upon possible service models - the opportunities model (offering programs tailored to each offender), and the social ajustment model (solving only the problems precipitating criminal activity), each of which allows for conserving and concentrating correctional effort. No firm conclusions were expressed.

2. Administrative History

Despite celebrating its 65th anniversary in Manitoba this year, Probation is a young service. It only assumed a mature form in Manitoba, as elsewhere in Canada, during the 1970's when the wide-ranging influence of de-institutionalization (see reference 19) was felt. In Manitoba, caseloads skyrocketed from 2,350[2] in 1970 to a plateau near 19,000 in 1980. During these formative years, it was subject to scrutiny and introspection regarding its role, the differentiation among its clientele - adults and juveniles being one instance - and its organizational alignment.

Following the appointment of the first juvenile Probation Officer in Winnipeg in 1919, probation services were not extended beyond Winnipeg until nearly 30 years later, in 1947. Probation services for adults began a decade after that; and, a further 5 years elapsed before the juvenile and adult services were consolidated under a Chief Probation Officer in 1962.

In 1968, Probation and other Correctional services were shifted from the Department of the Attorney General to the Department of Health and Welfare, subsequently the Department of Health and Social Development. Probation, in keeping with the overall approach of that Department, came to be delivered under the auspices of regional operations - as one of many elements of the "Single Unit Delivery System" (ie "SUDS",which included Child Welfare, Mental Health, Public Health and other

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2) Rise of the Sparrow, p. 117.

services). This was a less than fruitful arrangement in some areas of the Province. Probation was in a period of rapid expansion; it saw the affinities of its service more in Correctional than social service terms; and, it was aggressively pursuing a major role in the juvenile justice process. Under such circumstances, a strong **esprit de corps** and identification with 'Probation' developed. This attitude of distinctiveness did not facilitate its joint administration locally with other human services.

In any event, this arrangement ended in 1976 when the Ministers of Corrective & Rehabilitative Services and Health & Social Development concluded:

> "that probation services serve the judicial process...and are indeed part of a separate system".[3]

Decanting Probation from social services at a local level left a residue of some bitterness with how the SUDS association and later dissociation occurred. The remaining regional operations believed the comprehensiveness and economies of service had been compromised. Expressions of this belief reccur today.

A further organizational experiment - the delivery of services to juveniles and adults through separate units in central Winnipeg - began in 1978. This failed in 1982, partly because of problems balancing workloads between the specialized units serving juveniles and adults. Also, more promising initiatives, such as the Remand Attendance Centre program of intensive supervision for juveniles in Winnipeg, were being undertaken.

The Reorganization Proposal of January 1984

The latest organizational proposal emerged in January 1984 (The letter announcing it appears as Appendix 4). Probation Services was to be separated into an Adult and Youth Service. The Youth Service, along with "Juvenile" Corrections - i.e. the two Juvenile Justice Institutions - was to be administered under Child and Family Services, and likely delivered locally through regional operations. This proposal was formulated for a variety of reasons.

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[3]) Quoted in Reference 11

It was believed the restructuring would lessen ongoing friction between Child Care and Probation staff, arising from overlapping responsibilities. Or, if not reduce problems, it would move the locus of their resolution in the Department to a single division.

This reorganization also held the promise of unifying the policy process regarding the placement of children. For instance, a decision to reduce reliance on group homes could then be implemented consistently throughout the Department; or a decision not to house open custody cases in the same facilities as child care/placement cases would develop in a consultative rather than a unilateral atmosphere.

The restructuring would have allowed for the duties of Provincial Director under the Young Offenders Act (YOA) to be carried by a single individual, responsible for Youth Probation and Juvenile Correctional Institutions. With this organization, the Department would be better able to plan for, and respond to the challenges arising from the YOA.

It was thought advantageous to bring a fresh outlook on why the relatively large numbers of juveniles - of all ages - were being involved formally with the justice system. At the same time, the move would leave the senior managers of Corrections free to concentrate on adult institutions and related community programs.

Finally, potential financial incentives were identified. The realignment could improve the possibility for significant cost-sharing of certain juvenile services through the Canada Assistance Plan. YOA cost-sharing could proceed more readily, were services for youth segregated administratively from those for adults.

This proposal reawakened many of the sensitivities and strong feelings around SUDS, and the Probation Service reacted unfavourably to what it perceived as a retrograde step. Indeed, for Departmental management, these considerations for change were suggestive rather than conclusive. Under these circumstances, this consultation was undertaken.

3. An Overview of the Organizational Structure

The general organizational structure and associated staff-years of the Probation Service as it existed in June 1983 is displayed in Figure 8. A synopsis of employee assignments is provided in Table 1.

From the Figure and Table, the following observations may be made:

* The rural areas, which comprise about 45% of the Manitoba population, are served by one half of the probation units, staffed by 40% of the Probation Officers/Workers (augmented, to be sure, by the services of the Court Communicators). Winnipeg includes respectively 55% of the population and 60% of the Probation Officers;

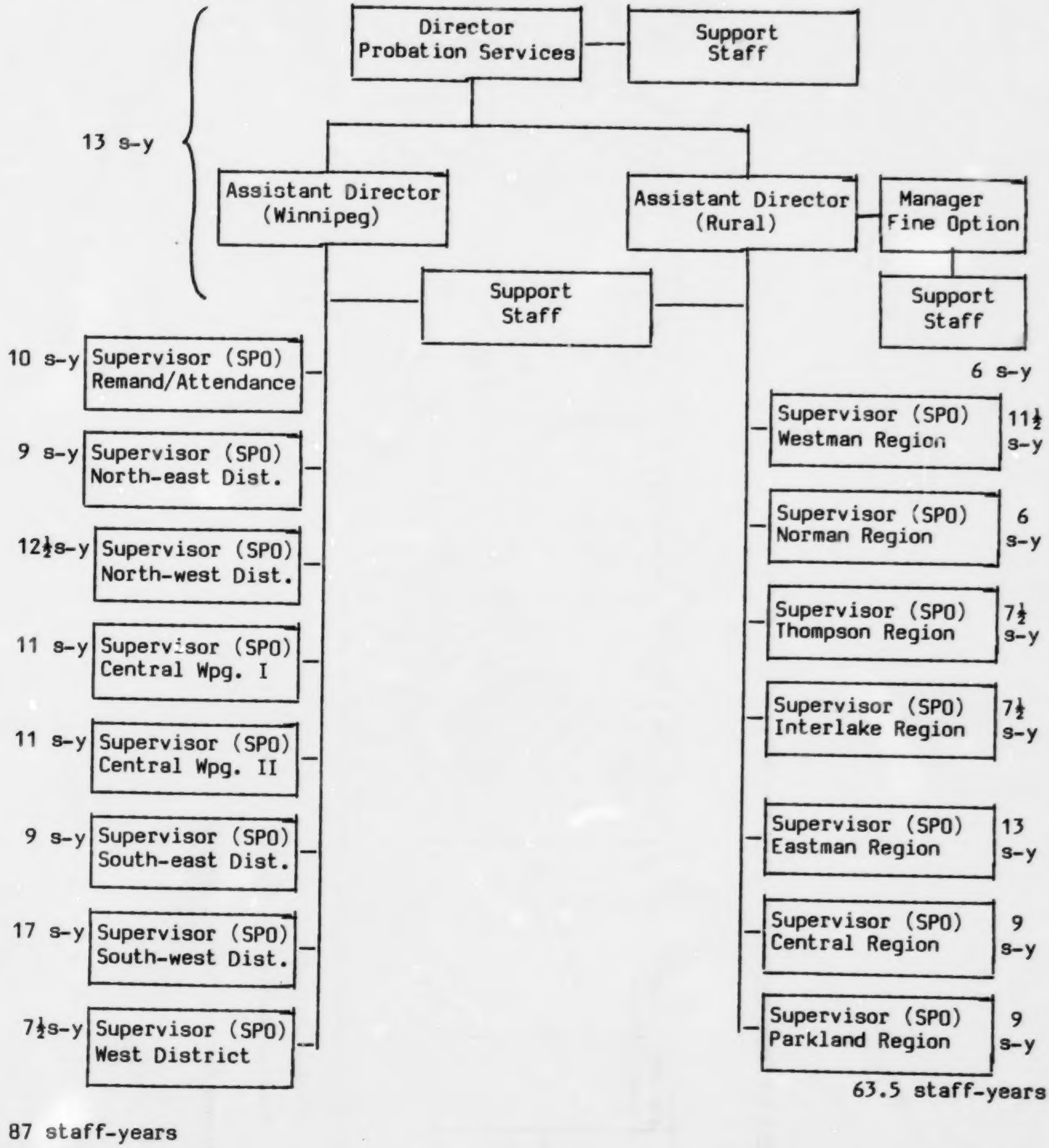
* In rural areas, there are an average of 5.2 Probation Officers per Senior Probation Officer, the proportion ranging from 1:3 to 1:7.5; the comparable Winnipeg figures are 7.6, and 1:5 to 1:11;

* Within the field service, there are 22 clerical staff serving 118.5 service/supervisory staff - a ratio of 1 to 5.4, which compares to that reported for other jurisdictions;

* The Directorate comprises 8% of the total positions. In addition, the Assistant Director, rural, is located in Winnipeg rather than in another centre; and

* Service staff, excluding supervisors, constitute 102.5 staff years, or 60% of the total.

Figure 8 Probation Services in Manitoba: Organizational Chart - June 1983


Director Probation Services
Support Staff
13 s-y
Assistant Director (Winnipeg)
Assistant Director (Rural)
Manager Fine Option
Support Staff
Support Staff
6 s-y
10 s-y Supervisor (SPO) Remand/Attendance
9 s-y Supervisor (SPO) North-east Dist.
12½s-y Supervisor (SPO) North-west Dist.
11 s-y Supervisor (SPO) Central Wpg. I
11 s-y Supervisor (SPO) Central Wpg. II
9 s-y Supervisor (SPO) South-east Dist.
17 s-y Supervisor (SPO) South-west Dist.
7½s-y Supervisor (SPO) West District
Supervisor (SPO) Westman Region 11½ s-y
Supervisor (SPO) Norman Region 6 s-y
Supervisor (SPO) Thompson Region 7½ s-y
Supervisor (SPO) Interlake Region 7½ s-y
Supervisor (SPO) Eastman Region 13 s-y
Supervisor (SPO) Central Region 9 s-y
Supervisor (SPO) Parkland Region 9 s-y
63.5 staff-years
87 staff-years

(Plus: Probation Workers who function as court communicators, whose salaries are paid by the Department of the Attorney General)

TABLE 1 - Manitoba Probation Services: Staff Year Assignments - June 1983

LOCATION	DIRECTOR	ASSISTANT DIRECTOR	COORDINATORS	MANAGERS	SPO's & D/SPO (1)	P.O.'s (2)	P.O.'S (3)	CLERICAL	TOTAL
Winnipeg					8	55	6	18	87
Rural					8	74.5	7	14	63.5
Directorate	1	2	4					6	13
Five Option			4	1					
TOTAL	1	2	8	1	16	89.5	13	39	169.5 =====

NOTES: (1) Senior Probation Officers; Deputy Senior Probation Officer.

(2) Probation Officers.

(3) Probation Workers.

SOURCE: Internal Probation Service Documentation

Central Support Services

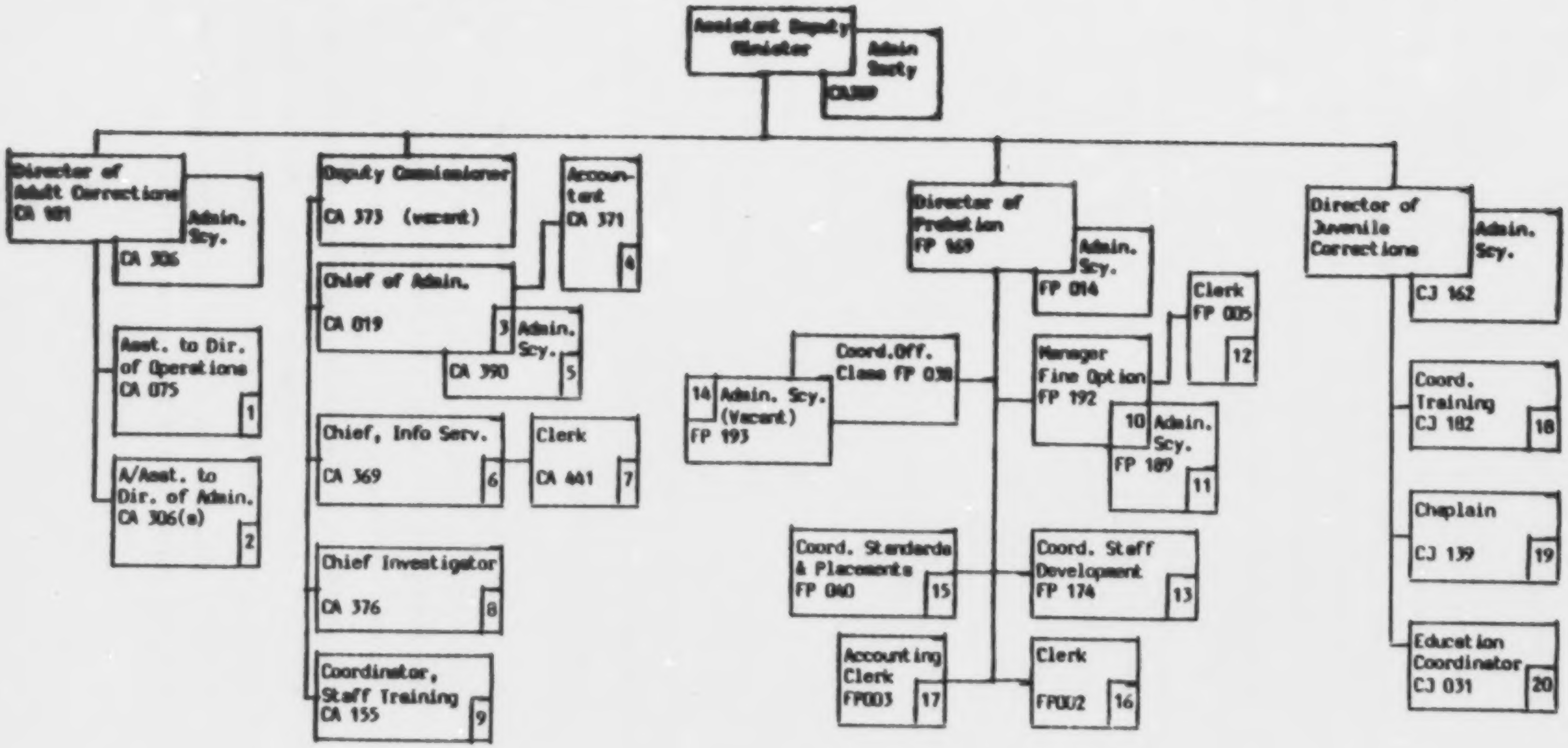
The structural relationships between the Probation Service and other organizational units of the Corrections Division are portrayed in Figure 9. The same Figure also contains the support staff positions which have been available to the Division. These support positions were organized in four general sections. Although the Division has been recently the subject of considerable organizational modification (likely not reflected in this Figure) - some of which has resulted in transfers to and from the Division's central functional areas - these central support positions nonetheless appear to number about 20. This excludes a further 3 positions which are vacant, and excludes the administrative secretaries (AY's) for each of the more senior staff (however, it includes the AY's for the subordinate staff).

Recent Organizational Developments

Within the past 12 months, the Probation Service has experienced the ramifications of changes among the senior management ranks of Corrections. The Commissioner and Deputy Commissioner of Corrections have accepted other responsibilities. The Division is now headed by an Assistant Deputy Minister who was previously the Director of Juvenile Corrections. The Director of Adult Corrections, and the Director of Headingley were also moved to other duties.

As a consequence of these moves, the Director of Probation was named Acting Director of Adult Corrections, and replaced as Director by the Assistant Director of Probation (Winnipeg). The Assistant Director (rural) was appointed to be Acting Superintendant of Headingley. He was assisted at Headingley by a Senior Probation Officer, precipitating further staff adjustments within the Service. With the effective dispersal of the established Probation Management Group, the Acting Director convened an interim Management Committee of two Winnipeg-based and two rural Senior Probation Officers.

Figure 9 - Manitoba Corrections Division: Organizational Overview of Central Functions


Assistant Deputy Minister
Admin Secty CA389
Director of Adult Corrections CA 101
Admin. Scy. CA 306
Asst. to Dir. of Operations CA 075
1
A/Asst. to Dir. of Admin. CA 306(a)
2
Deputy Commissioner CA 373 (vacant)
Accountant CA 371
4
Chief of Admin. CA 019
3
Admin. Scy. CA 390
5
Chief, Info Serv. CA 369
6
Clerk CA 441
7
Chief Investigator CA 376
8
Coordinator, Staff Training CA 155
9
Director of Probation FP 169
Admin. Scy. FP 014
Clerk FP 005
12
Coord.Off. Class FP 038
14
Admin. Scy. (Vacant) FP 193
Manager Fine Option FP 192
10
Admin. Scy. FP 189
11
Coord. Standards & Placements FP 040
15
Coord. Staff Development FP 174
13
Accounting Clerk FP003
17
Clerk FP002
16
Director of Juvenile Corrections
Admin. Scy. CJ 162
Coord. Training CJ 182
18
Chaplain CJ 139
19
Education Coordinator CJ 031
20

NOTE: Where Administrative Secretaries (AY's) were indicated as reporting through a position, for each of display, these AY's were located "behind" the reporting position.

SOURCE: Organizational Charts provided by Personnel Branch.

Corrections is currently an organization in a state of adjustment to a new chief executive; and in a state of flux created by the presence of many acting appointees. As such, further position restructuring and permanent appointments can be expected, and are in fact in progress.

4. The Operation of the Probation Service

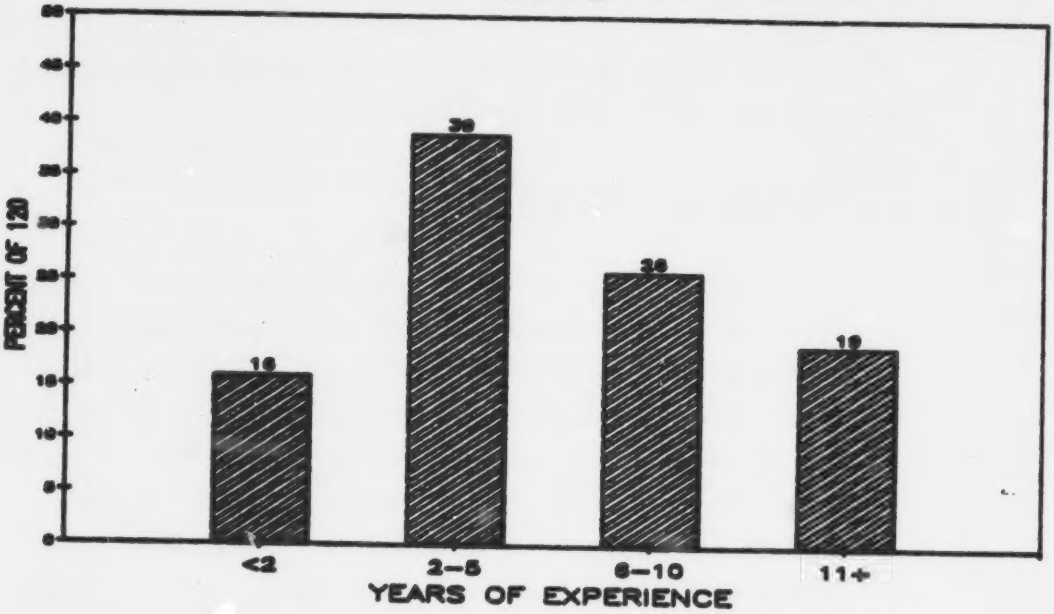
In this section we consider the perceptions and judgements of Probation Officers and others regarding their Service.

a) The Probation Officers/Workers

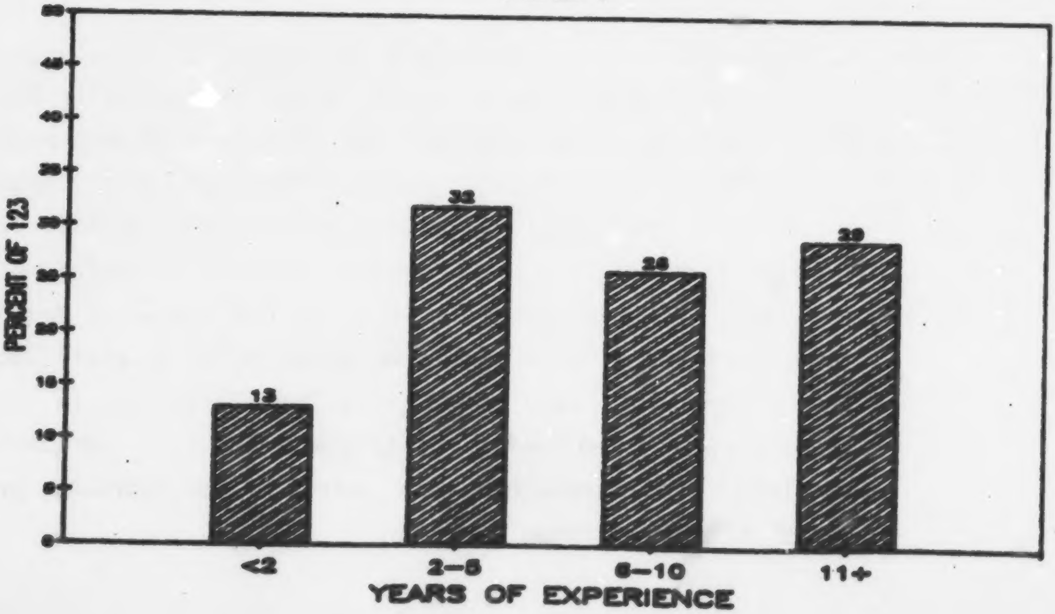
The message conveyed to us was unequivocal. Judges, police officers, crown counsel, defence counsel, court administrators expressed a common attitude: individually, most Probation Officers/Workers are "professionals", "dedicated, diligent", in a number of instances have made efforts "far beyond their duties", have provided "thoughtful advice", and prepare "complete, insightful reports". To be sure, there were some individual Probation Officers singled out anonymously for criticism, but this is to be expected. On the whole, to the Probation Officers/Workers we can report: you are, generally, greatly respected and valued within your working community.

As Figure 10 displays, the Probation Service includes a significant fraction of long service veterans. Almost one third of the service staff have been with Probation for over 11 years and over half of the staff for more than 6 years. The Figure also reveals that since 1979, the number of persons with longest service has risen from 23 (19%) to 36 (29%) - an increase of 13 positions or more than 50%. Records made available by the Probation Service show that, over the 6 years inclusive since 1979, 18 staff (or 15% of the professional complement) have been involved in in-service transfers; while an average of 10 staff (or 8% of the professional complement) have resigned each year - a low turnover percentage relative to other human services.

FIGURE 10



MANITOBA PROBATION SERVICE:
YEARS OF EXPERIENCE WITH THE SERVICE
1979



MANITOBA PROBATION SERVICE:
YEARS OF EXPERIENCE WITH THE SERVICE
1984

Professionalism

When invited to comment on the Probation Officers, one of the first adjectives used by respondents outside the Service was "professional". In fact, along a number of dimensions, the Service has assumed a professional character. Evidence of this is actually implicit in the above Figure - long service tending to encourage the professional traits of stability and continuity of values.

As well, there is a strong educational similarity among the staff - 26% have achieved masters degrees (overwhelmingly, we were told, MSW's), while a further 36% hold BSW's and 27% have been graduated with BA's. However, given the correctional nature of the service and the orientation to court-ordered report writing and supervision (which some Probation Officers remarked are pretty straightforward) perhaps the staff mix should be altered to include more criminology graduates and clerical staff. Most, if not all Probation Officers and Senior Probation Officers are members of the Manitoba Association of Probation Officers. This Association has played an active role in the current reorganization. As well, the Association organizes professional development sessions and various social activities.

Probation has adopted Service-wide processes which contribute to internal coherence and loyalty. Within each office (but one), we found that monthly unit meetings are held and decisions minuted. We were informed that the entire Service participates in an annual policy setting exercise, whereby Senior Probation Officers solicit views and forward them to the Probation Directorate in Winnipeg. The rural Senior Probation Officers meet every three months for one or two days; the Winnipeg Senior Probation Officers meet monthly for half a day. Finally, the current Probation Management Group meets each month.

A number of developments have been managed by teams of Probation Officers and Senior Probation Officers from throughout the province. We were told of three principle exercises. One is a series of committees assessing training needs, and developing various training vehicles. The second is a committee process which, over a three year period, developed the Probation Service Standards Manuals. The last instance was the audit teams which are chaired by a Senior Probation Officer and include a non-Probation Correctional employee. By prior arrangement a team visits an office, checks the files, and phones various contacts in the community. Subsequent to such a review, recommendations are made to the local office for modifying their procedures. We understand that four of these exercises have been carried out. It should be noted that, in the opinion of one Senior Probation Officer however, these audits tend to be more of a paper check than an actual program audit.

The Standards Manuals themselves are impressive - printed not typed; bound in special binders; relatively up-to-date (with multiple references to the Young Offenders Act dated in 1983 and early 1984); and present in all district offices. We were told the Manuals are constantly referred to; although this may be an exaggeration, new/temporary staff and staff performing new duties do turn to them for guidance.

The merits of these varied arrangements are: service tends to be uniform around the province and consistent over time. Both are commendable qualities in a justice service. Also collegiality is engendered among Senior Probation Officers, who also develop more familiarity with the problems of Probation management. This has no doubt contributed to the facility with which Probation reacted to the recent organizational changes, involving transfers from among its managers.

This very professionalism creates its own problems. What is stable can also be stolid and resistant to change. There is a tendency towards clanishness which can foster a feeling of alienation in some Probation Officers. The low turnover among the Senior

Probation Officers allows few promotional opportunities within the Service. Moreover, with 15 Senior Probation Officers and only 3 senior management positions in Winnipeg (staffed by relatively young individuals), in-Service promotional opportunities for Senior Probation Officers are likewise limited.

b) Administration and Management

Statistical Overview

Table 2 contains certain statistical features of the administration of the Probation Service. Noteworthy among these are:

* the remarkable growth in caseloads from 1970, at 2350, to 1980, at 19100, or by more than eight-fold - an annual rate of increase of 23%;

* the stability of workloads and staffing levels in the program since 1980; and

* the overall growth of expenditure which parallels the inflation rate, measured by the Winnipeg Consumer Price Index.

Administration

The administration is widely viewed as a strength of Probation by its members and professional colleagues.

Probation's mandate is deemed to be complete and straightforward. The program tasks - their content and process - comprising the various service elements are comprehensive and well-defined in the Standards, to which adherence is measured by the field audits.

_TABLE 2 - **Central Statistical Features of the Administration of the Manitoba Probation Service**

	Workload						Staff-years (2)		Expenditures (2) ($000's)				
	Juveniles			Adults									
	Cases	Reports	Super-vision	Cases	Reports	Super-vision (Non-parole)	Number	Salary/ S-Y	Salaries	Operating	Program	Maintenance of Children	Total
1970	1258(1)	-	-	1090(1)	-	-							
1971	1115(1)	-	-	1417(1)	-	-	41(1)						
.. (3)													
..													
..													
..													
1975													
1976							150						
.. (3)							150						
..													
1979-80													
1980-81	13815(1)	4214(1)	2733(1)	5277(1)	573(1)	4037(1)	169.5	$19,200	3258.1(75%)	378.2(8.7%)	93.2(2%)	610.1(14%)	4,339.6
1981-82	14301(1)	3956(1)	3078(1)	5299(1)	582(1)	4210(1)	168.5	$20,100	3382.8(71%)	422.2(8.8%)	129.7(2.7%)	846.4(18%)	4,781.1
1982-83	12670(1)	3970(1)	3063(1)	5858(1)	706(1)	4850(1)	168.5	$22,500	3791.6(68%)	459.8(8.3%)	213.6(3.9%)	1061.1(19%)	5,526.1
1983-84							170.5	$25,000	4360.6(76%)	309.0(5.4%)	204.0(3.6%)	886.7(16%)	5,701.2
1984-85							171.5	$28,900	4962.5(74%)	437.5(6.5%)	225.5(3.4%)	1072 (16%)	6,697.5
							162.5						
% Change 1979-80 1983-84							+1.2%	+51%	+52%	+15%	+142%	+75%	+54%

Sources: 1) Probation Services
2) Probation Services, Annual Expenditure Summaries
3) During these years, the Probation Service was not administered separately

% change in CPI, Winnipeg, 1979 to 1983 40%

The Senior Probation Officers value the sense of certainty which the Standards and the legislative base provide. They enjoy the level of autonomy and independence offered by the Service. Moreover, there is a general sense of satisfaction and local pride in administering the small work units around the province and, to a lesser degree, in Winnipeg.

The administration is not without deficiencies. We heard, from within and without Probation, that it tends to be isolated from Corrections, from the Department and from other elements of the Justice System; that is it is "self-serving", "tied up in paper" - one respondent remarked, with irritation, that the results of discussions between the Probation Service and his office always had to be written down to be binding. Adherence to the Standards is characterized as too dogmatic at times. As well, the Standards themselves are criticized for being too Winnipeg-oriented, especially on day-to-day matters such as the time allowed to complete a predisposition report. In fact, it was said that the Service may be too directive with respect to procedural policies (which, some said could be easily decentralized), while not providing sufficient guidance on program policies (especially with respect to the Young Offenders Act).

Several respondents reported arbitrary, peremptory staffing shifts. As well cynicism was voiced - by those who prepared the Standards and other policy positions - that the Directorate rewrites proposals without explanation. The widespread influence of the Directorate can be discerned in other ways. Many Senior Probation Officers, when asked to whom they would refer a problem, mentioned the Directorate before a peer; decreases in travel budgets in recent years also left greater responsibility for certain "collective" decisions (e.g. handling SHIP* grants) within the Directorate. Some respondents characterized the organizational structure as somewhat autocratic.

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* Short-term High Intensity Programs

Distinctions were observed among rural and Winnipeg offices. This was a source of some frustration to the rural Senior Probation Officers and Probation Officers. Rurally, recruitment is more difficult. Many staff feel attracted to Winnipeg, which increases turnover. Rural Senior Probation Officers would often welcome a posting to Winnipeg; but it appears difficult to arrange such transfers. For one thing, in order for the associated moving expenses to be paid by the government, the position must be fully bulletined. As a result, it may be easier to transfer within Winnipeg.

Another problem faced by the rural districts is the restricted availability of operational funds (one example of which was a reduction in SHIP funding). Many Senior Probation Officers perceived important consequences to these restrictions. These consequences included reduced travelling, and reduced funds to train Volunteer Probation Officers. This was believed to place limitations on some community programming initiatives.

Management

The management of Probation - in the sense of its strategic control and direction - exhibited certain weaknesses.

It was acknowledged by our respondents that Probation did not operate in an effective management framework within Corrections. Adult Corrections and Probation experienced occasional difficulties in developing a joint policy position. (The development of a Probation program to supervise Temporary Absences is one example). Probation and Juvenile Corrections suffered from similar problems (e.g. about whether Probation Officers represent children in institutions, or offer aftercare services).

The relations between Probation and its organizational environment were occasionally strained. Probation was perceived as engaging in bureaucratic skirmishes over program responsibilities (in areas such as escort services). Moreover it was remarked that, despite withdrawing from or giving up responsibilities, the Probation Service had retained its full complement. There also was a suspicion within Probation that it could have achieved greater success in influencing the outlook and approaches of the judges, police, crown counsel and so on.

One element of management is cultivating renewal. Therefore, we examined the degree of innovation accomplished by Probation. What we frequently found was one or more initiatives underway in the rural offices (such as an alcoholism program, or high school-based prevention program). Moreover, Juvenile Justice Committees had been established in each of the rural offices. In short, a sense of novelty and experimentation was communicated to us. At a service level, we uncovered proposals to stream services according to client needs. At a philosophical level, we found in one office a carefully elaborated philosophy for Corrections which involved coordinating the efforts of various elements of the Criminal Justice System around a "Consequences" model. In fact, in a number of locations around the province, the Probation Service was taking a lead role with respect to the Young Offenders Act.

This level of innovation was not achieved, however, in the Winnipeg District Offices where few examples of initiatives were forthcoming. By way of illustration, when asked to name an innovative program, Winnipeg Probation Officers would often mentioned the Fine Option Program. But this was not an innovation of Probation: this Program originated with, and was developed in the Department of the Attorney General.

It also appeared that many of these service and philosophical ideas were not integrated into the Service as a whole, which seemed somewhat resistant to change. These initiatives were not communicated among the districts in the sense of elevating them tc formal programs or standardizing them. (The Juvenile Justice Committees are an instance of non-standardization.)

c) Service Load

Central statistical features of Probation services are summarized in Figures 11, 12. These Figures illustrate the recent service loads for the two important components of Probation work, namely supervision and assessments. With respect to supervision, we see:

* stability in the year-end caseloads of juveniles since 1978;

* a 40% increase in the caseloads of adults since 1977. This increase has changed the composition of the caseloads from equality between adults and juveniles to a marked preponderance of adults;

* stability in rural caseloads; and

* an increase of 25% or so in the Winnipoeg caseloads.

Thus, in sum, caseloads are becoming increasingly adult and Winnipeg-based

With respect to assessments, we observe that:

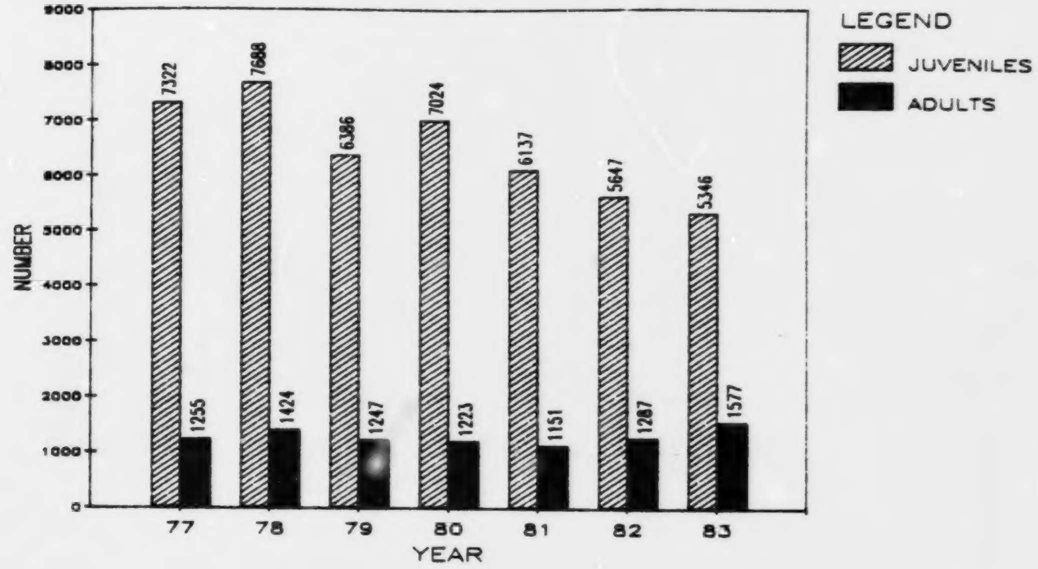
* the numbers of those performed for juveniles have declined by 30% since 1978;

* the numbers of those performed for adult are stable;

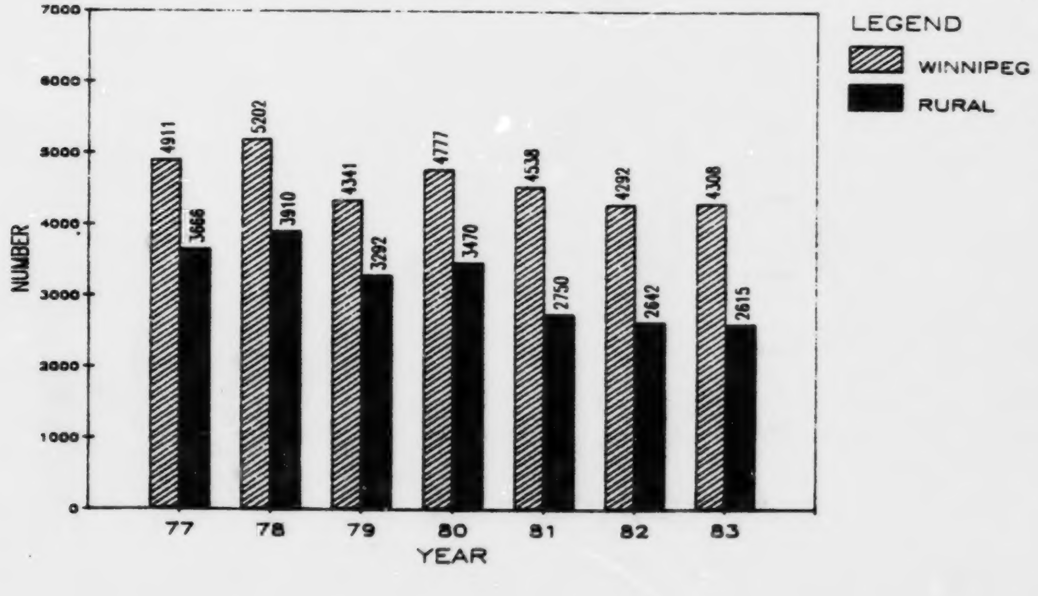
* the numbers performed in rural areas have declined; and

* the numbers performed in Winnipeg are stable.

FIGURE 11



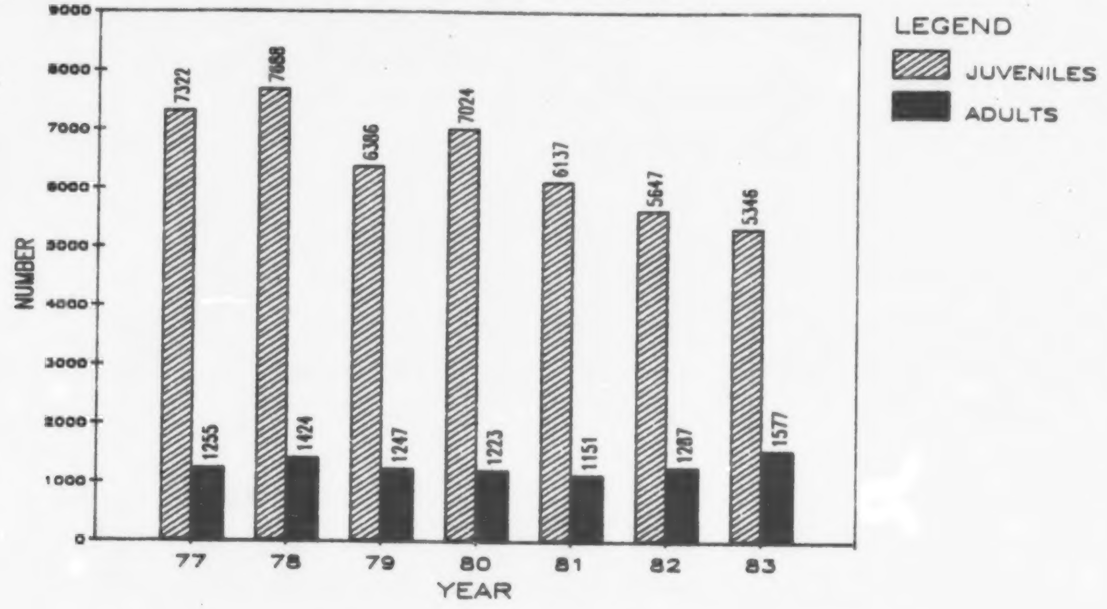
MANITOBA PROBATION SERVICES: TRENDS IN ASSESSMENTS 1977–83



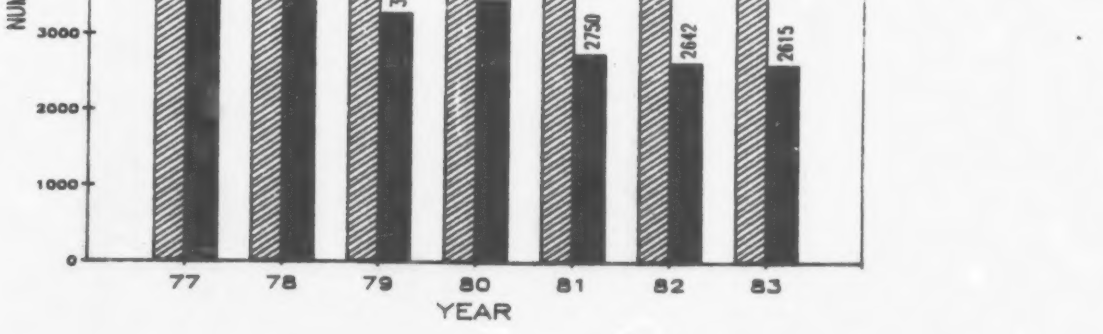
MANITOBA PROBATION SERVICES: TRENDS IN ASSESSMENTS 1977–83

FIGURE 12

MANITOBA PROBATION SERVICES:
TRENDS IN ASSESSMENTS
1977–83



MANITOBA PROBATION SERVICES:
TRENDS IN ASSESSMENTS
1977–83



Hence, in sum, assessments are generally declining, and assuming a more Winnipeg and slightly more adult orientation. The composition of assessments appears in Figure 13. This reveals:

* the significant contribution of non-judicials (nearly 40%) to the overall assessment burden in the juvenile area.

The workload of assessments relative to supervision may be estimated as follows. Adult and juvenile assessments number about 7,000 annually. At 4 hours work apiece plus overhead of 50% for a total of 6 hours, the total effort is over 40,000 hours. This is equivalent to about 3 months of work from the full Probation Service. Of this total, nearly (2,000 non-judicials x 6 hours or) 12,000 hours is absorbed by non-judicials.

Table 3 provides a breakdown of caseloads among the 15 districts around the province. Evidently supervision caseloads per Probation Officer average 38.2, being slightly greater in Winnipeg, perhaps reflecting its compact geography. These caseloads may be compared to the standards which were reported to be 40 youth and 60 adult supervision cases per Probation Officer. Indeed, it was repeatedly remarked by Probation Officers that, because of extra work (i.e., court attendance, etc.) and greater intensity, youth cases were 50% more effort than adult cases.

The impact of Probation supervision is difficult to assess. One rudamentary but prevalent means of measuring impact of Correctional programs is the level of recidivism or, conversely, the successful completion rates of participants and ex-participants. Table 4 contains the successful completion rates of probationers during their terms of probation.

FIGURE 13

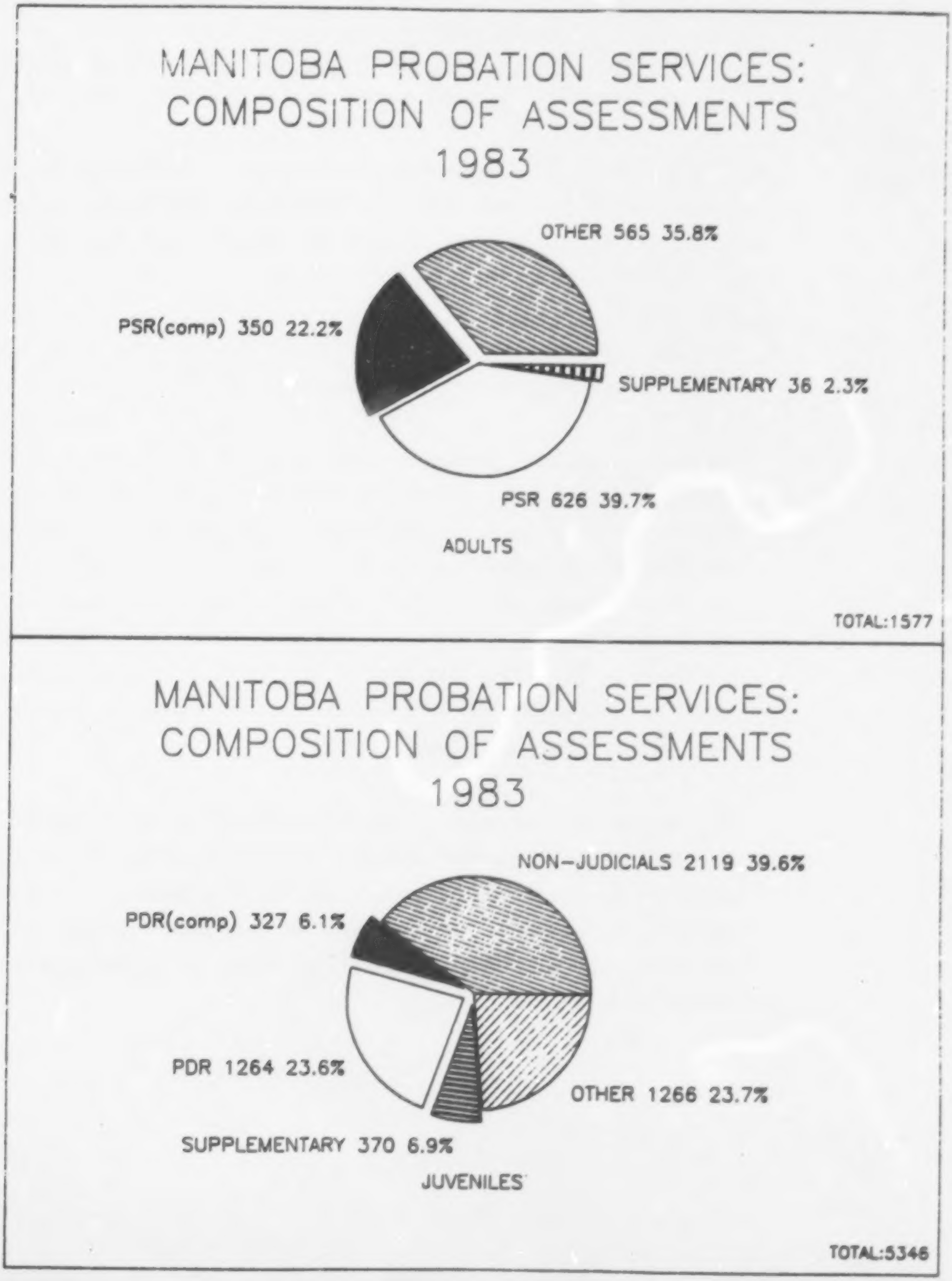

MANITOBA PROBATION SERVICES:
COMPOSITION OF ASSESSMENTS
1983
OTHER 565 35.8%
PSR(comp) 350 22.2%
SUPPLEMENTARY 36 2.3%
PSR 626 39.7%
ADULTS
TOTAL:1577
MANITOBA PROBATION SERVICES:
COMPOSITION OF ASSESSMENTS
1983
NON-JUDICIALS 2119 39.6%
PDR(comp) 327 6.1%
PDR 1264 23.6%
OTHER 1266 23.7%
SUPPLEMENTARY 370 6.9%
JUVENILES
TOTAL:5346

TABLE 3 - Manitoba Probation Services 1983 - Central Statistical Features of the District Office Delivery of Probation Services

	STAFFING		TOTAL ADMISSIONS (1)				REPORTS/ASSESSMENTS (3)				ON SUPERVISION (3)			
	TOTAL	P.O.'S PW'S	ADULT	JUVENILE	TOTAL	ADMISSION /P.O.	ADULT	JUVENILE	TOTAL	PER P.O.	ADULT	JUVENILE	TOTAL	PER. P.O.
Rural														
Westman	11.5	7.5	125	58	183	24.4								
Central	9	6	131	97	228	38.0								
Parklands	9	6	72	127	199	24.9								
Thompson	7.5	5	60	131	191	38.2								
Norman	6	3	58	65	123	41.0								
Interlake	7.5	5	86	119	205	41.0								
Eastman	13	9	174	220	394	43.8								
TOTAL	67	41.5	706	817	1,523	36.7	688	1,927	2,615	63	685	740	1,425	34.3
Winnipeg														
Northeast	9	6	123	73	196	32.7								
Northwest	12.5	9	173	107	280	31.1								
West	7.5	5	86	77	163	32.6								
Central One	11	8	265	109	374	46.8								
Central Two	11	8	243	114	357	44.6								
South East	9	6	149	96	245	40.8								
South West	17	11	133	68	201	18.3								
TOTAL	77(2)	53	1,172	644	1,816	34.3	889	3,419	4,308	81	1,487	701	2,188	41.3
TOTAL	144	94.5	1,878	1,461	3,339	35.3	1,577	5,346	6,923	73.2	2,172	1,441	3,613	38.2

Sources (1) Probation Services Computer Statistics, 1983 Year End Reports
& Notes: (2) Excludes the R.A.C. for the purpose of this tabulation
(3) Probation Services: Annual Statistical Summaries

TABLE 4 - Manitoba Probation Services: Probation Outcome Terminated Successfully in 1983, Adult and Juvenile Cases

AGE	TOTAL	MINIMUM (Supervisory sessions at least once every 3 months)	MEDIUM (Once per month)	MAXIMUM (Every 2 weeks)
Juveniles				
12-13	74%			
14-15	63%			
16+	65%			
Total	65%	90%	70%	57%
	====	====	====	====
Adults				
21	59%			
21-24	59%			
25-29	70%			
30-34	68%			
35-39	69%			
40-49	75%			
50+	69%			
Total	64%	87%	79%	49%
	====	====	====	====

Source: Probation Services. Computer - generated 1983 Year End Reports

Observe that 2/3 (actually 64% adult and 65% juvenile) complete successfully or, in other words, 1/3 of probationers recidivate within the term of their probation orders. One can assume, given that the average term of the probation orders is 1½ years, that a significantly larger number in aggregate will eventually recidivate.

Other means of measuring the impact of the service in terms of its effectiveness were not pursued. These could be the subject of further research.

d) Program Issues

The program issues which have been recently portrayed to government by the Probation Service, and which are indicative of its priorities, have included:

- YOA implementation activities - where reference was made to items such as services to victims, the development of new Justice Committees, and the establishment of the Office of the Provincial Director;
- Probation on Reserves - where Probation argued to secure extra resources so that the transfer to Probation on Reserves could be carried out in an orderly fashion.
- Fine Option - where additional funds for training and contracting were requested;
- Staff Training - where extra monies were requested for training in the area of the Young Offenders Act and new technology, among other matters.

D. CORRECTIONS PHILOSOPHY AND MANAGEMENT

1. An Approach to Organizational Development
2. Philosophy and Mandate
3. The Continuum of Correctional Services
   - a) Corrections Management
   - b) Support Services
   - c) Community Correctional Services

D. CORRECTIONS PHILOSOPHY AND MANAGEMENT

Throughout the consultation process, senior departmental officials and others stressed that the reorganization of Probation - whether along the lines of the original proposal or otherwise - should be governed by a clear Corrections philosophy.[4] We address this issue along with an approach to organizational development in a broad sense, in this chapter.

1. An Approach to Organizational Development

We suggest there are two important considerations underlying the continuing organizational development of Corrections.

Public Administration

First, is the recognition that the administration of services within government is an exercise in public administration. Consequently questions of maximum efficiency per unit of service must be balanced with achieving the purpose of government in providing the service to

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4) To be sure, the Department had articulated five principles to govern organizational renewal (see page 25 above) but an overall Corrections philosophy remained to be defined.

the public. Otherwise, there is danger that that purpose (which after all provides the justification for government offering the service) may be submerged. However having said that, as public servants, Corrections managers must be sensitive to the general fiscal capacity of the government, and must seek out comparisons of administrative efficiencies and programmatic effectiveness in other jurisdictions, especially in times of restraint. It is the duty of managers to continually assess critically their resources and programs.

Dynamic Reorganization

Secondly, reorganization is a dynamic process. It proceeds in stages, of which the following are examples:

1. Provide a statement of philosophy validated by the government.
2. Declare the organizational mandate which will guide the service in fulfilling the philosophy.
3. Translate the mandate into policy.
4. Construct an organization capable of translating the policy into programs.
5. On the basis of the organization, develop a plan which will identify short and long-term goals.

It should be noted this outline does not represent a "linear" developmental scheme. A series of programs and practices are already present and some immediate decisions must be made. Today in Manitoba processes are underway which would fall in step four of the above outline; while questions of philosophy, mandate, and policies are still under development.

Attending to immediate organizational problems while debating principles and policies is natural and understandable. This cannot be avoided. However, given both the immediate and long range implications of organizational decisions which might be taken with regard to Corrections in Manitoba, as much as possible "crisis management" approaches should be avoided in determining the place and the design of either adult or juvenile corrections.

We therefore recommend:

RECOMMENDATION No. 1: THAT the Department of Community Services, as a first element in future organizational development, develop a clear philosophy for Correctional services.

Commentary: We make this recommendation to establish the foundation for organizational development. We are not speaking of a particular philosophy, but recommending that future organizational development should be premised on some declaration of philosophy.

It is also important that a framework for organizational development be accepted in order to further orderly development of Corrections. One way of accomplishing this would be to invite the Corrections Division to develop guidelines, potentially incorporating the five-point structure on the previous page. This, they could be asked to do as part of their budgeting/planning cycle for next fiscal year.

2. Philosophy and Mandate

Complicating the formulation of a Corrections philosophy is the history of the Department of Community Services and the organizational changes over time which finally resulted in the location of Corrections (both juvenile and adult) within the Department. This history is evidence of a rather consistent movement to keep Correctional Services aligned with the broader social service or social welfare interests of government. This is particularly true of those correctional programs organized for juveniles and reflects the historical Canadian philosophy of providing a social welfare or "child care" response to children and/or youth, even if the requirement for state intervention results from a violation of criminal law.

The change in emphasis contained in the Young Offenders Act, from a "welfare" to a "justice" model of response to youth in conflict with the law obviously presses for a sharper deliniation between the government's interest in "child care" and the government's interest in "crime control".

In short, while philosophy is a multifacted matter, the fundamental decision which must be taken is whether Corrections is a "social welfare" or "social justice" service. While it is admittedly difficult to distinguish effectively between social welfare and social justice, it is nevertheless important that a position be endorsed so that Corrections may go about its business in with a sense of shared purpose and so, stability.

One useful approach to determining purpose involves considering the manner in which individual citizens have access to, or are made subject to the services of government. In the case of Corrections (both juvenile and adult), it is clear that access is provided through the courts as a result of the conditions and consequences allowed for in the criminal law. On this basis alone, it would seem that Corrections is a service promoting the social purposes of administering justice.

Additionally, it is important to determine whether the justice purpose holds regardless of the age of citizens. It is in the juvenile area where the distinction between "justice" and "welfare" has been the most difficult to effect. Although services are provided as a result of "conflict with the law", this does not mean that the welfare of young people cannot be a major consideration in programming within justice services.

In light of these considerations and in order that the organizational process be guided by a clear sense of direction, we recommend:

RECOMMENDATION No. 2: THAT the Department of Community Services declare Corrections to be a service promoting the interests of government in the administration of justice.

Commentary: This recommendation addresses the "what" of Corrections: i.e., what is its nature? We suggest answering this question by proposing that, by nature, Corrections is a justice service (i.e., fundamentally interested in controlling law-breaking) and not a social welfare service (i.e., fundamentally interested in modifying the offender's social and personal circumstances). But the recommendation does not address the "how" of Corrections: i.e., how its programming will function. Thus it by no means precludes utilizing programming which supports the individual offender through offering a variety of enrichings opportunities, or capitalizing on the person's capacity for self-renewal. Although a philosophy of Corrections in Manitoba was considered in the paper, "The Rise of the Sparrow", it was not endorsed by the government, which noted "[This] document does not constitute a statement of government correctional policy". The acceptance of Recommendation No. 2 should signal the government's present intentions for Corrections, clearing the way for the Division to develop and refine detailed statements of philosophy, mandate, and objectives.

As a means of accelerating the development of the philosophy, and in the belief that the initial expression of a mandate would vitalize the organizational process, we recommend further:

RECOMMENDATION No. 3: THAT the Department of Community Services, following consultation with the Corrections Division, express support for a Corrections mandate including components such as:

a) The protection of society,
b) The preservation of due process,
c) Fair consequences (i.e., punishment being commensurate with the seriousness of the offence),
d) Minimal intervention, and
e) Emphasizing community involvement and responsibility to the highest degree possible,
f) Ensuring that Correctional services are as beneficial as possible to the offender, and will facilitate the successful reintegration of the offender into society as a law-abiding citizen.

Commentary: Our concern here is that a number of statements like these be developed and endorsed soon within the Department. We suggest that the consultation we recommend be carried out only within the upper echelons of the Corrections Division, and that the Division be asked to report back to the Deputy Minister with an amended or extended list of items within 6 or 8 weeks. This is not to say that these points would not be subject to continuing scrutiny and development within the Corrections Division. But rather, declaring them now would take advantage of the current attention to organizational matters to establish an objective for future developments.

In addition, the Department may wish to exploit this opportunity to declare several working principles for the management of Corrections. In that event, we recommend:

RECOMMENDATION No. 4: THAT the Department of Community Services, in consultation with the Corrections Division, declare support for certain management principles; among them:

a) Including Corrections as part of the "Criminal Justice System", by encouraging regular consultation at the provincial level among the police, the courts, Crown Counsel, officials of the Department of the Attorney General etc.; and

b) Developing a decentralized style of management within the Division.

Commentary: The intent of this recommendation is two-fold. First, by accepting that the Division's realm of concern extends beyond the Department, it gives the Division the authority to participate in influencing the full Criminal Justice System.

Secondly it institutes a style of management, encouraging delegation and communication. This style, we understand has been adopted by the Deputy Minister and welcomed by many of the staff within the Department.

The outline of a long-range plan to carry out these recommendations appears as Appendix 9.

3. The Continuum of Correctional Services

Implicit in setting forth a Corrections philosophy is recognition of the desirability of viewing Probation as a member of a continuum of

Correctional Services. In this section, we pursue three matters which arose in this connection during the consultation.

a) Corrections Management

In the past, the Corrections Division operated under an approach which encouraged independence among its three main branches (Adult Corrections, Probation, Juvenile Corrections). This independence resulted in limited inter-service programming and planning. These limitations could stymie innovative developments and restrict the opportunities to initiate and to balance a full range of Correctional Services. In order to improve operational management of Corrections and to represent better the conceptual unity of Corrections we recommend:

RECOMMENDATION No. 5: THAT Corrections Division develop a unified executive management process, representing the main service areas of the Division, and functioning on a regular basis.

Commentary: We suggest that an Executive Management Committee be constituted. This would be a highly visible break with past practice. The Committee could, for instance, meet bi-weekly with an agenda circulated prior to the meeting and decisions minuted. It would deliberate on planning concerns spanning various services, or major problems arising within or between services. It would provide general direction to both the strategic and operational planning exercises. As well, it would direct the yearly budget process. Finally, it would allow decisions to be open to influence from all quarters in the Division and develop an attitude of joint accountability for these decisions.

b) Support Services

Corrections management support services (accounting, information systems, placement coordination and so on) are distributed among the three service Branches and what was the Office of the Deputy Commissioner (see page 41 for an organizational chart). Some of the duties and reporting relationships of the support staff are uncertain; and collective action, by staff carrying similar responsibilities in different branches, has been limited. In aggregate, 20 or more nominal positions provided these services to the Division. This level of resources, in our view, should be quite sufficient for the Division to be well served. However, the current distribution of these resources has inhibited communications and may have allowed duplication. Therefore, we recommend:

RECOMMENDATION No. 6: THAT Corrections Division unify its central management support structure under a Director responsible to the Assistant Deputy Minister and participating in the executive management process.

Commentary: This recommendation would assure that central support services not only were unified but stood in a clear relationship to the three service Branches. The very action of unifying the support structure can be expected to contribute to the integrating of the Services. Also some economies may be available from integrating the staff who perform such functions as accounting, training and clerical support. This may free-up staff to carry out better divisional budgeting or to be transferred from headquarters to field responsibilities.

c) Community Correctional Services

In its public posture and internal deliberations, Corrections has affirmed its committment to community participation in the Corrections continuum of services, particularly community-based services to Young Offenders. However, we found differences of opinion among Probation staff as to the meaning of, and desirable degree of community programming.

During our study, community development was used variously by Corrections staff to describe a wide spectrum of situations: receiving services in the community rather than within institutions; using existing community resources (such as the Alcoholism Foundation of Manitoba, or native organizations); developing community resources under the auspices of the Probation Service (e.g., the Juvenile Justice Committees); involving individual members of the community (for example as Volunteer Probation Officers); allowing independent Community Committees to operate programs - perhaps funded through Corrections by grants or by fees-for-service; or convening Advisory Committees (such as that proposed for the Remand Attendance Centre). In addition, many Probation Officers saw the notion of community as being intrinsically different in rural areas and in Winnipeg where community interests are so diverse.

As well, apprehensions were voiced about certain features of community development. Several Senior Probation Officers expressed concern about the potential loss of control over the activities of private organizations. They cited problems with assuring uniformity of standards in matters where the state has a mandate to restrict a citizen's rights.

The mechanics and level of funding for such arrangements were also raised. It was remarked that to strengthen community-based services will require additional operational dollars rather than extra staff-years. This observation is illustrated by the financing necessary to support Volunteer Probation Officers in remote communities. To be fully effective, these individuals will need access to training and travel funds. With respect to the level of funding, the danger was noted of promising significant cost reductions through community programs. This danger has been documented repeatedly (reference 19); it frequently means less funds are provided than necessary. Though reductions in cost may occur, the important concept is the increase in effectiveness and community ownership of the program because of the involvement of citizens in the Justice System.

Juvenile Justice Committees

Illustrating a number of these factors is the Juvenile Justice Committee Program. The Juvenile Justice Committees are heraloed as a marked success in providing a vehicle for community concerns with, and community responsibility for Juvenile Justice. At the urging of the Government of Manitoba, provision for them was included in the Young Offenders Act. Dennis Bracken in a 1983 evaluation of them (reference 2) noted their various strengths. Also, his research uncovered a variety of approaches and roles for the Committees. Under the JDA, there was some uncertainty about their authority, their role, and to whom they were responsible. During this consultation, a further problem with the current structure of the Committees was raised by a police officer. It was the potential for the dissolution of a Committee in the presence of any severe problems.

One observation made on the Committees was their dependence upon the Probation Service for resources, referrals, etc. (In at least one instance, the Committee's address is care/of the local Probation Office). A minority of the members of the Probation Service expressed unease about this level of control. But, others argued that the involvement of Probation prevented the Committees from becoming vigilante groups. This argument is somewhat specious as the government has means at its disposal to deal with Committees whose functioning is not compatible with government policies. For instance the government could enforce Standards or employ the threat of withdrawing funding or of delisting as alternative measures organizations.

We understand that several of these concerns with community development, and Juvenile Justice Committees in particular, are now being addressed in the Department.

In light of these observations and in addition to the overall endorsement of Community Corrections proposed in recommendation 3e, we recommend:

RECOMMENDATION No. 7: THAT the Corrections Division recognize various models for standardized community-based services.

Commentary: The development of a number of defined models would help ease the uncertainties about what community services are to be recognized for the moment. It would facilitate the spread of benificial programs and ideas around the province. It would allow for the benefits to be judged and compared. The recognition of certain models is not intended to prevent active experimentation on a demonstrative basis in the district offices with yet other innovative ideas which may in turn become the standard models of the future.

RECOMMENDATION No. 8: THAT the Department of Community Services consider utilizing operational expenditures to encourage and enable Community Correctional Services in response to local priorities.

Commentary: This recommendation highlights that extra operational funding will be required for certain community-based services (eg. travelling to supervise volunteer Probation Officers in remote communities), for providing seed-money, or for co-funding initiatives with other agencies. It also recognizes that some undertakings will need to respect local circumstances such as those in northern Manitoba or in Winnipeg.

RECOMMENDATION No. 9: THAT the Department of Community Services encourage the Juvenile Justice Committees now operating within Manitoba to become more independent of the Probation Service.

Commentary: The effect of this recommendation would be to separate the Juvenile Justice Committees from the Probation Service. The Committees would thereby have greater stability and community attachment. As well, it would facilitate their entering into joint activities with other independent community groups (such as the Alcoholism Foundation of Manitoba), and seeking funds from a variety of sources (such as the Donner Foundation).

E. ALTERNATIVE ORGANIZATIONAL STRUCTURES

1. Preferred: Regionalized Community Corrections Management
    a) Core Option
    b) Variation: Specialization on Young Offenders in Winnipeg
    c) Variation: Include the Superintendent of Headingley on the Executive Management Committee
    d) Variation: Include Headingley as a Fifth Region
2. Full Regionalization of Corrections
    a) Core Option: Five Regions
    b) Variation: Four Regions
3. A Central Probation Directorate
    a) Core Option
    b) Variation: Assistant Director (Rural) outside Winnipeg

4. Amalgamate Youth Probation Services with Child and Family Services
    a) Core Option
    b) Variation: Dual Reporting at SPO Level
    c) Variation: SPO Reporting to Regional Directors

E ALTERNATIVE ORGANIZATIONAL STRUCTURES

In presenting these models, it is assumed that 2 major recommendations made elsewhere in this report have been accepted; viz -

- A unified Corrections Division is established; and
- A centralized management support structure is in place.

In addition, under each of the models, the position of Administrative Assistant to the Assistant Deputy Minister of Corrections is incorporated. This position could readily be transferred from among positions within the support services area. It would assist the Assistant Deputy Minister in managing his paper flow, freeing his time for more substantive issues.

1. Preferred: Regionalized Community Corrections Management

a) Core Option

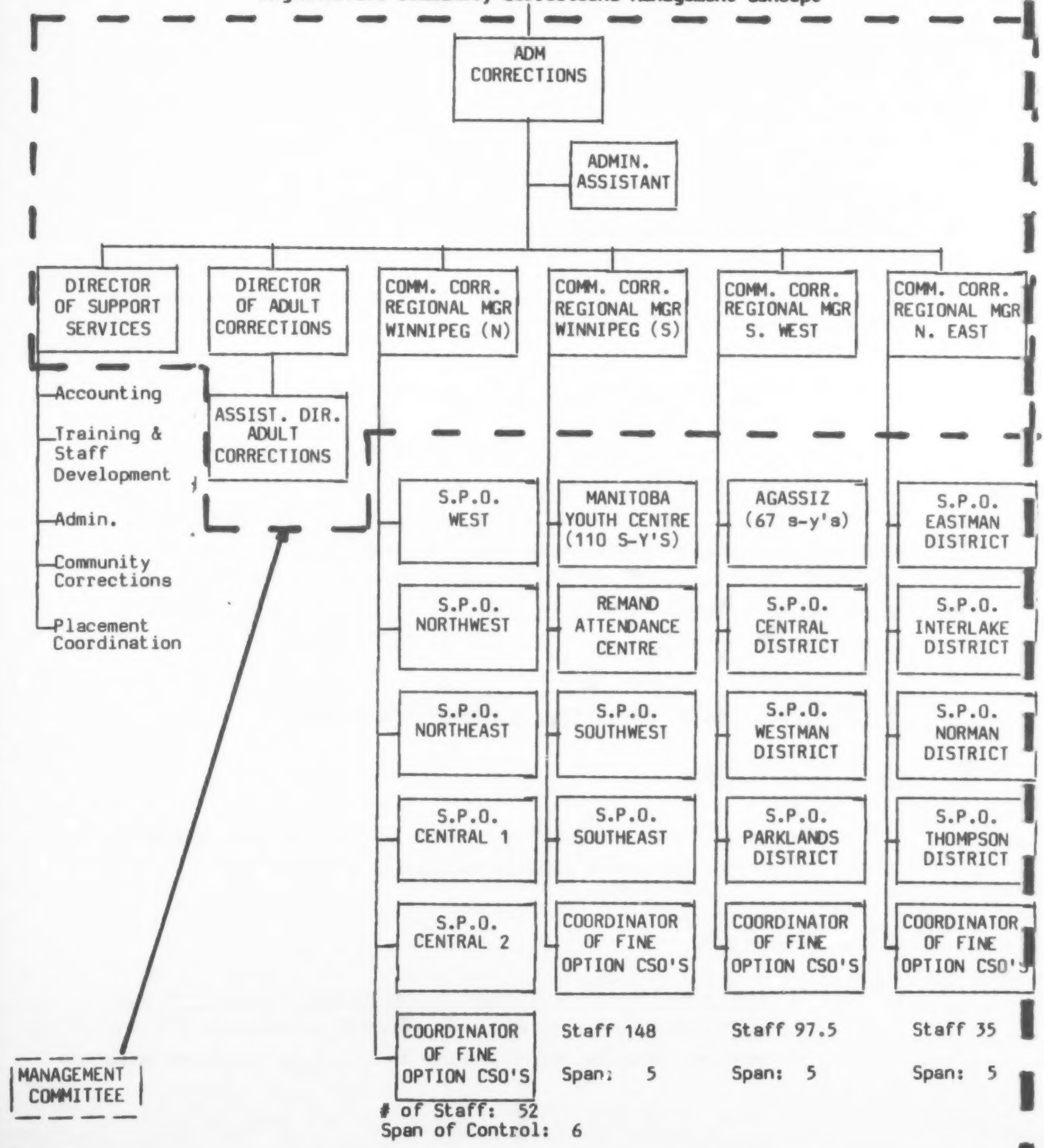
The generalized organizational chart of the Regional Community Corrections Management alternative appears as Figure 14.

Features

* The creation of 4 Community Corrections Regional Manager positions. Four positions were selected to balance rural and Winnipeg concerns, while leaving the Executive Committee small

FIGURE 14

Organizational Alternative
Regionalized Community Corrections Management Concept


ADM CORRECTIONS
ADMIN. ASSISTANT
DIRECTOR OF SUPPORT SERVICES
DIRECTOR OF ADULT CORRECTIONS
COMM. CORR. REGIONAL MGR WINNIPEG (N)
COMM. CORR. REGIONAL MGR WINNIPEG (S)
COMM. CORR. REGIONAL MGR S. WEST
COMM. CORR. REGIONAL MGR N. EAST
Accounting
Training & Staff Development
Admin.
Community Corrections
Placement Coordination
ASSIST. DIR. ADULT CORRECTIONS
S.P.O. WEST
S.P.O. NORTHWEST
S.P.O. NORTHEAST
S.P.O. CENTRAL 1
S.P.O. CENTRAL 2
COORDINATOR OF FINE OPTION CSO'S
# of Staff: 52
Span of Control: 6
MANITOBA YOUTH CENTRE (110 S-Y'S)
REMAND ATTENDANCE CENTRE
S.P.O. SOUTHWEST
S.P.O. SOUTHEAST
COORDINATOR OF FINE OPTION CSO'S
Staff 148
Span: 5
AGASSIZ (67 s-y's)
S.P.O. CENTRAL DISTRICT
S.P.O. WESTMAN DISTRICT
S.P.O. PARKLANDS DISTRICT
COORDINATOR OF FINE OPTION CSO'S
Staff 97.5
Span: 5
S.P.O. EASTMAN DISTRICT
S.P.O. INTERLAKE DISTRICT
S.P.O. NORMAN DISTRICT
S.P.O. THOMPSON DISTRICT
COORDINATOR OF FINE OPTION CSO'S
Staff 35
Span: 5
MANAGEMENT COMMITTEE

and the regional span of control manageable. As well, the two rural positions reflect the significantly different Northern and Southern concerns. Community Corrections Regional Managers would accept responsibilities such as:

- Determining local administrative practices, that is adapting provincial Probation Standards;
- Determining the region's pattern of community involvement, e.g., allocating operational budgets;
- Through delegation from the Assistant Deputy Minister, carrying out duties of the Provincial Director within the region, as demanded by the YOA; and managing Individual Custody Homes;
- Advising the Personnel Branch of required staffing matters;
- Carrying out recommendations of this report in such realms as rendering the Juvenile Justice Committees more independent, and reducing the caseloads of the Youth Probation Service; and
- Liaising with local regional directors or Childrens Aid Society staff; and solving any local Child Welfare/Community Corrections problems before they escalate to the attention of the respective Assistant Deputy Ministers.

Community Corrections Regional Managers would be classified commensurately with their supervisory responsibilities over a number of Senior Probation Officers and Institutional Superintendents. From a cursory review of personal practices in Manitoba, it would appear these positions could be classified as:

- P8/9's in the regions with youth institutions; or

- P7/8's or HS6's otherwise.

These positions would be filled on a competitive basis. This should ensure that managers are drawn from the Probation Service, Juvenile Institutions, and other duties. Internal promotions offer a particularly attractive opportunity, in some cases, because they effectively reduce the complement of serving Probation Officers at the same time.[5]

* The formation of an Executive Management Committee comprising two representatives of Adult Corrections - the Director and Assistant Director (note that the position of Assistant Director does not now exist), the four Community Corrections Regional Managers, and the Director of Support Services. The most important consequence of convening this Committee must be that its members view themselves first as Senior Corrections Managers (and not as representatives of a particular service), second as middle level departmental managers, and third as middle level government managers.

* The consolidation of local Community Corrections programs, such as the Fine Option program, CSO's, Restitution, Community Development and Probation into one structure, where local staff may specialize in one or more of these activities;

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5) That is, promotion of one Senior Probation Officer - currently an HS5 - to a HS6 position, would free the Senior Probation Officer position, and allow one of the Probation Officers to be promoted.

- The harmonizing of Juvenile Justice and Community Corrections concerns at a local level. Thus the priorities and programs at Agassiz and the Manitoba Youth Centre would be coordinated with those of Probation. With the potential addition of Individual Custody Homes to the responsibility of community correctional managers, these managers would then preside over a local continuum of community based services.

Advantages

- Ensures that Community Corrections Regional Managers can deal with local Regional Directors as peers;
- Contributes to the management of placement concerns (such as open custody homes versus foster homes, group homes) at a local level;
- Reflects the special needs and standards required for the North, and for the rural areas of the province vis-à-vis Winnipeg;
- Improves local innovation through the decentralization of responsibility for Community Corrections;
- Permits local innovation to be tested throughout a region, thereby allowing the more feasible innovations to be demonstrated;
- Recognizes the Corrections continuum; and
- Provides for fewer links in the chain of command from a line officer to executive management.

Attitudes of Interested Parties

The attitudes of those contacted during this consultation to this proposal may be summed up as follows:

- The proposal will likely find favor among Judges, Crown Counsel, Police, and Defence Counsel because it envisions Probation as part of a Corrections continuum, and maintains the Probation Service essentially intact; and

- Will likely face a mixed reception from the Probation Service itself. Some members will welcome the opportunity for innovation. Others will be concerned with losing central direction and uniformity.

Financial Considerations

- Will be modest. The creation of the Community Corrections Regional Managers will increase salary levels moderately. Modest increases in funding may be considered to bolster local operational budgets, in order to support meeting/communication costs and to make monies available to local Community Corrections initiatives.

Disadvantages

- Proper operation of the proposed management arrangement requires a degree of sophistication. Members of management must both be locally aggressive, and (in terms of the successful operation of the Executive Management Committee) must be prepared to be set aside their own narrow concerns in favor of broader issues. If such expectations are not met, the proposal may lead to fragmentation of Corrections and gradual loss of uniformity.

Assessment

Overall, we believe this option signals a commitment to community Corrections. It creates an atmosphere of renewal. Moreover, none of the proposed moves requires either wholesale or widespread restructuring.

b) Variation: Specialization on Young Offenders in Winnipeg

Features

Under this variation, Probation Officers would be encouraged to develop specialization in Youth and Adult caseloads. Observe that this specialization would not necessarily, or even advisedly result in segregation of adult and youth services in separate offices, although this could develop in time should demand warrant it. Staff could also be rotated between the Adult and Youth Service, or even among the Probation Service,the Manitoba Youth Centre, and the Remand Attendance Centre.

Advantages

* Judges, crown counsel, court administrators, and the police offer special youth services in Winnipeg which this system would parallel;

* It would permit the development of expertise and excellence in the areas of Youth as well as Adult services;

* It might permit easier YOA accounting with respect to services to Young Offenders; and

* It could require the attendance of fewer Probation Officers at Youth Courts.

Disadvantages

* Probation staff may be reluctant to specialize as they believe burnout will increase.

Assessment

As the issue of specialization is a complex one, it should be dealt with over the longer term.

c) Variation: Include the Superintendent of Headingley on the Executive Management Committee

Features

If the position of Assistant Director of Adult Corrections cannot be created, Institutional Services will still require a second voice on the Management Committee, in order to balance the Community Corrections concerns. The natural candidate would be the Superintendent from Headingley, as this Institution represents a major investment of the Correctional Services in Manitoba.

Advantages

* By including the Superintendent of Headingley, problems at that Institution are declared to be important; and

* The composition of the Executive Management Committee is such that joint solutions (which would include both Community Corrections, and Institutional proposals) to the problems at Headingley could more readily surface.

Disadvantages

* Other institutions may feel they are getting short-shrift; and

* This arrangement may result in some undermining of the authority of the Director of Adult Corrections.

Assessment

If the Assistant Director of Adult Corrections position cannot be created, this is a low-cost alternative.

d) Variation: Include Headingley as a Fifth Region

Features

This variation would identify Headingley as a fifth region in the province, leaving the Director of Adult Institutions to be responsible for the remaining institutions. It could also involve locating some Probation Officers at Headingley.

Advantages

- There would be a clear demarcation of authority with respect to Adult Corrections.

Disadvantages

- It would diminish the authority of the Director of Adult Corrections; and

- The creation of this special region could make the remaining regions not co-terminus with those of Child and Family Services or other regional structures in the Department.

Assessment

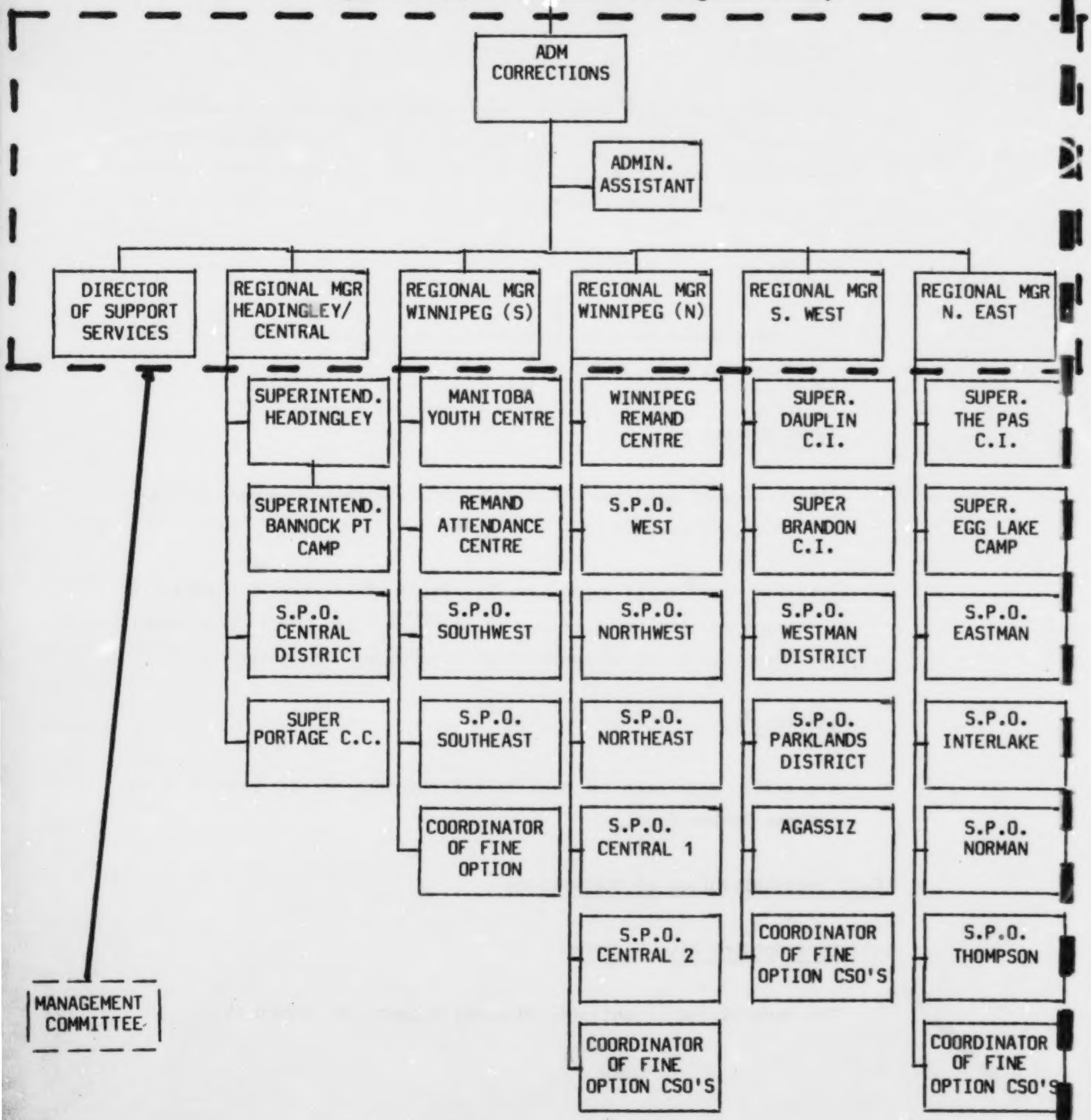
A dramatic move such as this is not required at the present time, but see Option 2 below.

2. Full Regionalization of Corrections

a) Core Option: Five Regions

The generalized organizational chart appears as Figure 15.

FIGURE 15 Organizational Alternative
Full Regionalization of Corrections Management Concept


ADM CORRECTIONS
ADMIN. ASSISTANT
DIRECTOR OF SUPPORT SERVICES
REGIONAL MGR HEADINGLEY/ CENTRAL
REGIONAL MGR WINNIPEG (S)
REGIONAL MGR WINNIPEG (N)
REGIONAL MGR S. WEST
REGIONAL MGR N. EAST
SUPERINTEND. HEADINGLEY
SUPERINTEND. BANNOCK PT CAMP
S.P.O. CENTRAL DISTRICT
SUPER PORTAGE C.C.
MANITOBA YOUTH CENTRE
REMAND ATTENDANCE CENTRE
S.P.O. SOUTHWEST
S.P.O. SOUTHEAST
COORDINATOR OF FINE OPTION
WINNIPEG REMAND CENTRE
S.P.O. WEST
S.P.O. NORTHWEST
S.P.O. NORTHEAST
S.P.O. CENTRAL 1
S.P.O. CENTRAL 2
COORDINATOR OF FINE OPTION CSO'S
SUPER. DAUPLIN C.I.
SUPER BRANDON C.I.
S.P.O. WESTMAN DISTRICT
S.P.O. PARKLANDS DISTRICT
AGASSIZ
COORDINATOR OF FINE OPTION CSO'S
SUPER. THE PAS C.I.
SUPER. EGG LAKE CAMP
S.P.O. EASTMAN
S.P.O. INTERLAKE
S.P.O. NORMAN
S.P.O. THOMPSON
COORDINATOR OF FINE OPTION CSO'S
MANAGEMENT COMMITTEE

Features

This alternative is very similar to the favored option; however, it would see the devolution of responsibility for the various adult institutions to the five regions. This would result in a structure similar to that adopted in Alberta (which has three regions), and British Columbia (which has five). The Adult Institutions could then be termed District Offices.

It would involve making Headingley a separate region, likely with an attached Probation Unit.

Advantages

This option possesses advantages similar to those of the favored option but with the following differences of emphasis:

* Downplays the Community Corrections priority, replacing it with a greater sense of a Corrections continuum;

* It augments local planning and management capabilities;

* It would entail a significantly greater delegation of decision-making.

* Reflects the distinctive role of the "base" institution, as visualized in the "Rise of the Sparrow" in 1972.

Financial Considerations

Little different from the favoured option.

Disadvantages

The adoption of this model would require Regional Managers to be particularly sensitive to both Institutional and Community

Correctional concerns. Care would need to be exercised to ensure that regional management was selected from both the Institutional and Community Corrections services.

A model such as this has not been tried in a jurisdiction with as few people as Manitoba. It might be wise to postpone its implementation until greater experience with the Community Corrections Regional Management model has accumulated.

Attitudes of Interested Parties

A move like this could be perceived as a bold and radical step, and some skepticism may be associated with it, particularly with its effect on the operation of the Headingley Institution.

Assessment

This option, which is a natural extension of the preferred option, could be undertaken on a medium-term basis. In this way the current proposals would have had an opportunity to be tested, and problems with regional structures identified and resolved. In the long-term, it offers the prospect of significant delegation of management.

b) Variation: Four Regions

Features

This alternative would downplay the role of Headingley.

Advantages

Under this item, full regionalization would be achieved.

Disadvantages

The size and importance of the Headingley could distort the regional operations. As well, the regionalization is not balanced as Headingley would offer central services (eg. specialized programming).

Assessment

This requires more experience with regional management.

3 A Central Probation Directorate

a) Core Option

The generalized organizational chart for this option is Figure 16.

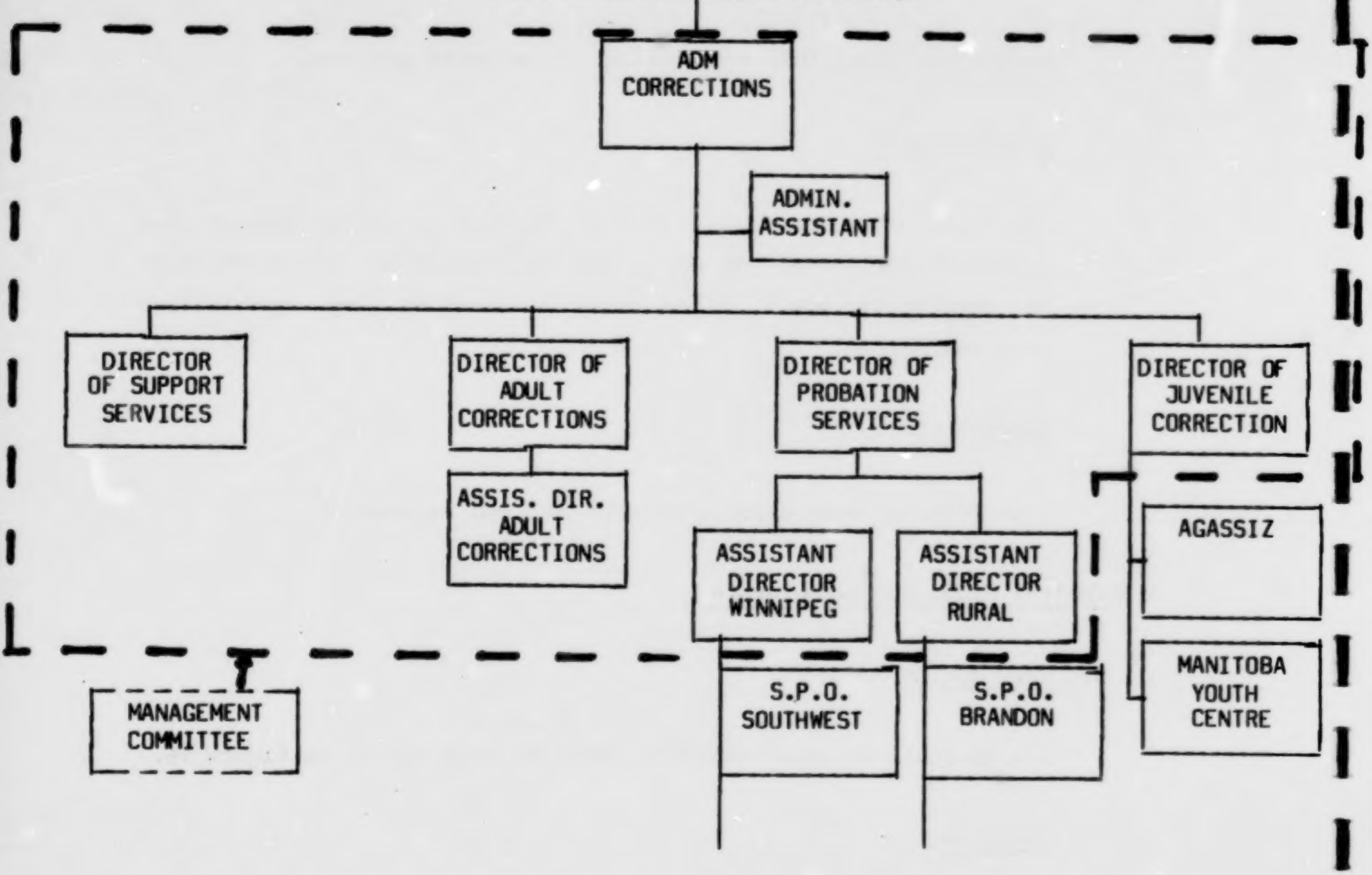
Features

The basis for this option is leaving the Probation management structure essentially as is. It would retain a central directorate, staffed by a Director and two Assistant Directors.

Under this proposal, the Corrections Executive Management Group would consist of three representatives from Probation, the Director and two Assistant Directors. They would be joined by a representative from Juvenile Corrections, two representatives from Adult Corrections, and the Director of Support Services. This would be a somewhat larger group than the preferred option.

FIGURE 16

Organizational Alternatives
Central Probation Management Concept


ADM CORRECTIONS
ADMIN. ASSISTANT
DIRECTOR OF SUPPORT SERVICES
DIRECTOR OF ADULT CORRECTIONS
ASSIS. DIR. ADULT CORRECTIONS
DIRECTOR OF PROBATION SERVICES
ASSISTANT DIRECTOR WINNIPEG
ASSISTANT DIRECTOR RURAL
DIRECTOR OF JUVENILE CORRECTION
AGASSIZ
MANITOBA YOUTH CENTRE
S.P.O. SOUTHWEST
S.P.O. BRANDON
MANAGEMENT COMMITTEE

Advantage

This option would involve the least upheaval.

Disadvantages

This option is similar to the preferred option in many ways. However:

- Communications problems between the Probation Service and Adult Corrections, and between the Probation Service and Juvenile Corrections may well remain and become more inflexible;
- The organization is certainly less horizontal than that proposed in the preferred option;
- It could result in less innovation in the Probation Service as traditional practices could be seen as being endorsed;
- Regional variations, permitted by the preferred option, would be less likely to arise;
- Priorities of the various communities around the province would be less well reflected in a centralized Probation bureaucracy; and
- Fails to provide sound organizational basis for the development of Community Corrections.

Attitudes of Interested Parties

Members of the Probation Service would probably react most favorably to this option. However, some would find it disappointing because it offers little opportunity for change and innovation.

At the same time, other interested parties in the Criminal Justice System would likely perceive this approach as inviting the Probation Service to continue with its previous ways - which were not entirely welcome.

Financial Considerations

None

Assessment

This alternative clearly minimizes the dislocation to Probation and so, to Corrections. It is a conservative but viable approach.

b) Variation: Assistant Director (Rural) outside Winnipeg

Features

Self-explanatory.

Advantage

More emphasis would be placed on rural matters, as distinct from Winnipeg ones, than under the core option.

Disadvantages

It could result in less coherence in the Probation Service. Also,although the Assistant Director (Rural) would be located outside Winnipeg, both the Director of the Probation Service and the Assistant Director (Winnipeg) would be co-located at a central site.

Assessment

This may represent a slight improvement over the core option.

4. Amalgamate Youth Probation Services with Child and Family Services

a) Core Option

The generalized organization chart appears as Figure 17.

Features

This option would involve locating a Youth Probation Service, (amalgamated to Juvenile Corrections) as one of the Directorates within the Child and Family Services Division. At a local level, the Probation Officers could be transferred as a team into the regional offices, likely accompanied by some of the Senior Probation Officers. However, within the regional office, it was the intention, stated early on by the Department, not to make the Probation Officers generic child care workers.

Advantages

This would reduce problems which have arisen in the interaction between Child and Family Services and the Probation Service. Regional boundaries as they exist would be respected.

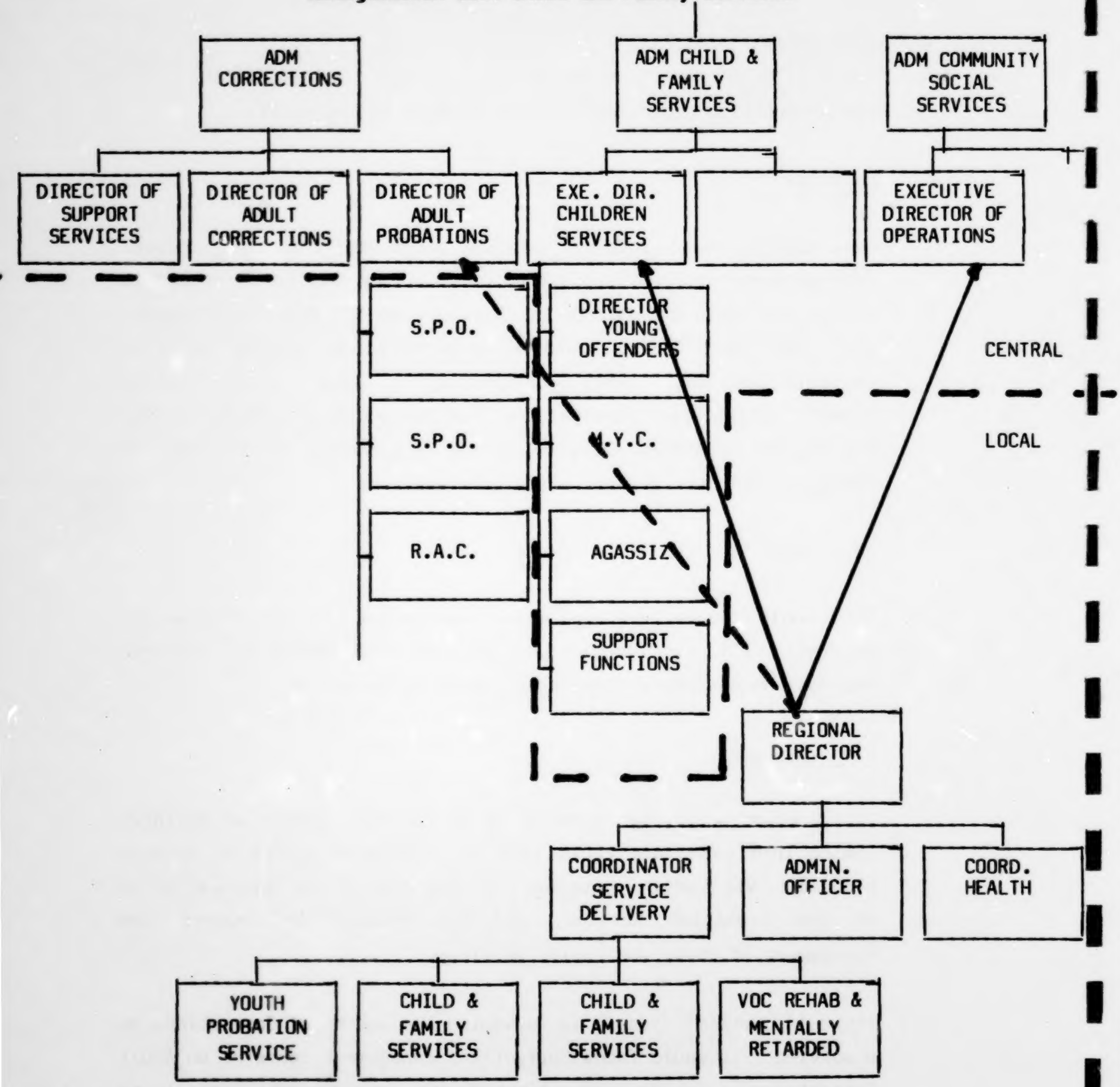
Disadvantages

The proposal would not necessarily reduce the numbers of children coming into care, and could lead to continuing confusion between placement and custody concerns. It may degrade the administration of the Probation Service, and not necessarily improve the management of Child and Family Services.

It would certainly result in weakening the notion of Corrections as a service. It could focus Corrections management concerns on Adult Corrections. But it would limit access to Community Corrections perceptions in solving these problems, thus restricting the solutions.

FIGURE 17

Organizational Alternatives
Amalgamation With Child and Family Services


ADM CORRECTIONS
ADM CHILD & FAMILY SERVICES
ADM COMMUNITY SOCIAL SERVICES
DIRECTOR OF SUPPORT SERVICES
DIRECTOR OF ADULT CORRECTIONS
DIRECTOR OF ADULT PROBATIONS
EXE. DIR. CHILDREN SERVICES
EXECUTIVE DIRECTOR OF OPERATIONS
S.P.O.
DIRECTOR YOUNG OFFENDERS
CENTRAL
S.P.O.
M.Y.C.
LOCAL
R.A.C.
AGASSIZ
SUPPORT FUNCTIONS
REGIONAL DIRECTOR
COORDINATOR SERVICE DELIVERY
ADMIN. OFFICER
COORD. HEALTH
YOUTH PROBATION SERVICE
CHILD & FAMILY SERVICES
CHILD & FAMILY SERVICES
VOC REHAB & MENTALLY RETARDED

Attitudes of Interested Parties

Most of the members of the Criminal Justice System would react negatively to such a proposal. Their opposition would be based on concerns of confusing Correctional and Social Services; it could be seen as complicating their dealings with Probation - which they would visualize as being two entities. A rather negative reaction could also be expected from the MGEA. With respect to the police, the reaction will be predominantly negative, but they are anxious to have a single place to drop off children in trouble with the law, and could visualize this option as facilitating that development.

Financial Considerations

Under such a proposal, cost-sharing under the Young Offenders Act would be complicated. Some activities in a regional office would be fully cost-shared under the Canada Assistance Plan. Other activities would only be cost-shared, above a baseline, under the Young Offenders Act implementation agreements.

Assessment

Because of significant administrative problems and limitations to Correctional services implicit in this model, we deem it not to be viable.

a) Variation: Dual Reporting at the SPO Level

Features

Under this proposal, Senior Probation Officers would report to the Regional Directors for Child and Family Service matters and would report to the Probation Directorate in Winnipeg for Probation matters (that is Adult Services).

Advantages

Relative to the core option, this would improve local reporting, by keeping the Probation Service intact locally.

Disadvantages

The coordination between Child and Family Services and Probation Services while improved, remain uncertain. In effect this is a half-way measure and would result in the Senior Probation Officers reporting to two masters.

Assessment

As a half-way measure, such a proposal would leave matters essentially unresolved. If history is a guide in this matter, such a proposal could lead to further squabbles and bitterness between the services in a Region.

b) Variation: SPO Reporting to Regional Directors

Features

Under this proposal, Senior Probation Officers would report to Regional Directors who, in turn, would report to the Probation Directorate in Winnipeg, as well to other units in Winnipeg.

Advantages

The Probation Service remains intact, and local manageability is improved.

Disadvantages

Adult probationers would be included within the mandate of regional operations. As a result the Regional Director would report to the Probation Service, the Child and Family Services Division, and the Operations Division in Winnipeg with respect to Probation matters. This, as in the previous variation, is also a half-way measure.

Assessment

Implementation of such a proposal would leave matters partly unresolved, and could cause management problems for the Regional Directors. If the Probation Service is to remain essentially intact, it would be logical to leave it as a separate entity.

F. THE INFLUENCE OF THE YOUNG OFFENDERS ACT

1. A Departmental Approach to the YOA
2. The Influence of the YOA on the Probation Service

F THE INFLUENCE OF THE YOUNG OFFENDERS ACT

It is, of course, impossible to forsee the full impact of the Young Offenders Act. But it is certainly now the greatest of the external influences on Probation Services.

Figure 18,[6] incorporates very preliminary reports from the police in Winnipeg and other Canadian cities. It suggests a pronounced influence for the YOA on the numbers of youth dealt with by police, which may bring consquences for other components of the justice system, including Probation. It reveals that Winnipeg continues to clear by charge 100% of Youth involved in incidents, compared to less than 40% in other cities (although Edmonton appears unusually high under the YOA). It also reveals a pattern of very high per capita charge rates in Winnipeg, relative to the norms of other cities. These extremes are pursued at greater length in the next chapter.

Perhaps because of the potential for far-reaching impact, we found evidence of uncertainty within Probation Services around the YOA, and therefore discuss in this Chapter general guidelines to the YOA which the Department may wish to adopt.

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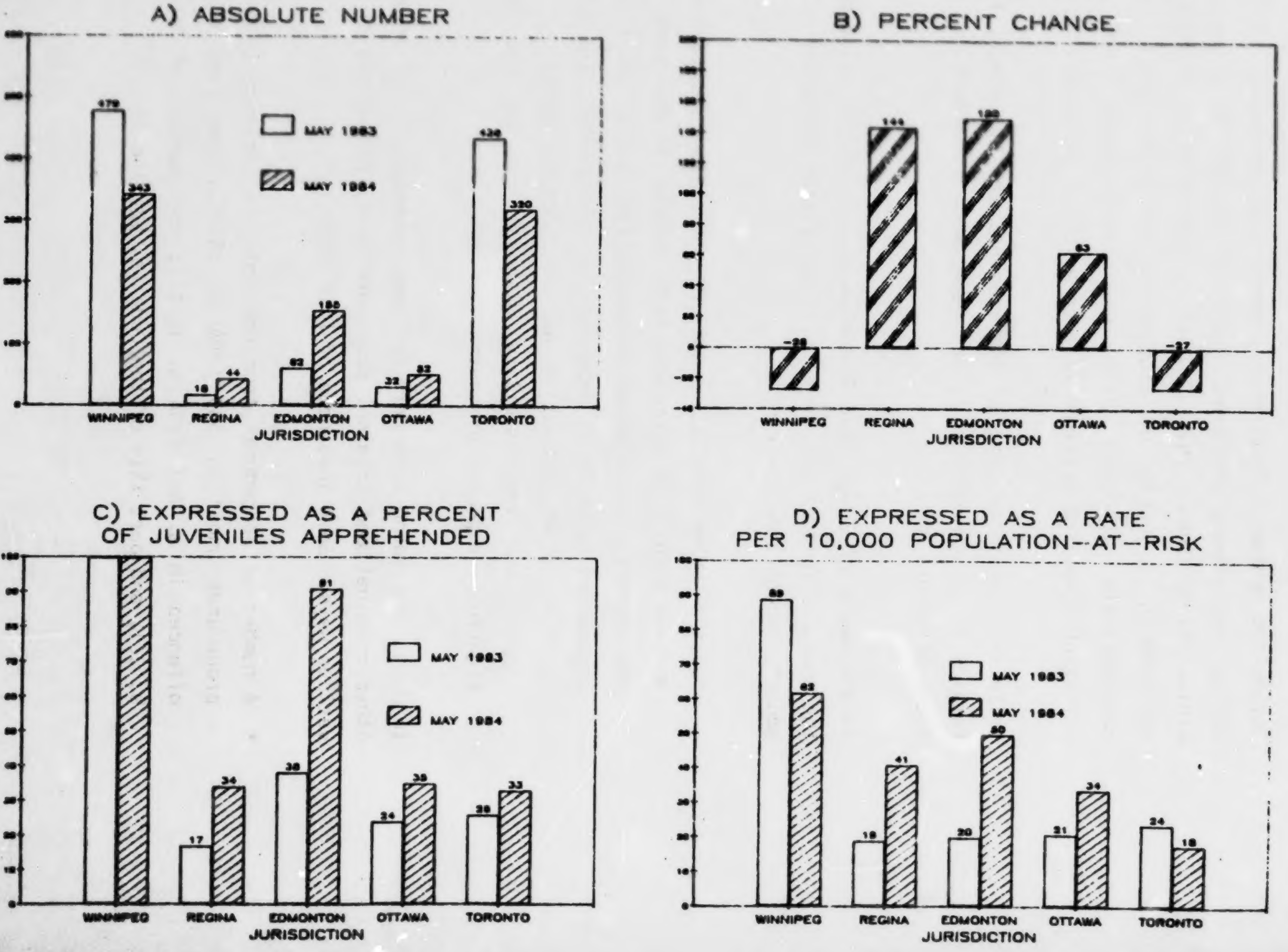
6) The data upon which these statistics are based appear in Appendix 11.

FIGURE 18

JUVENILES CHARGED BY THE POLICE (CRIMINAL CODE OFFENCES)
SELECTED POLICE JURISDICTIONS - CANADA: MAY 1983 & 1984



1. A Departmental Approach to the YOA

During the course of this study, members of the Probation Service, the police and others contended that the YOA should be construed as a mini-Criminal Code. This attitude on the part of Probation Officers was used to justify the proposition that Probation for youth is not substantively different from that for adults; and should be differentiated from services offered by Child and Family Services.

While the YOA forms part of the criminal law of Canada, the question remains to be answered as to the Department's fundamental view of the Young Offenders Act.

In the words of Judge Omer Archambault, one of its principal authors, the Young Offenders Act rejects, "the simple dichotomy of child and adult", recognizing instead,

> "...the third crucial phase of maturation, namely adolescence. Whereas a child is perceived to be completely dependent and lacking the capacity for criminal responsibility and an adult is generally considered to be fully dependent and responsible, the adolescent is in a stage of transition and considered capable of independent thought and responsibility although not to the same degree rightfully expected of adults."

In fact, the Young Offenders Act does resemble the Criminal Code and other criminal and criminal procedure laws, pertaining to adults, in various ways. Some instances of this are:

* A number of procedures from the Code are included in the YOA; e.g. procedures under s. 543 (YOA s. 13(8)), the test of indictible offences in s. 483 (YOA s. 16(1)), the meaning of "newspaper" in s. 261, and part XXIV of the Code (s. 52(1)(a));

- Section 2(4) stipulates that, "unless otherwise provided, expressions used in this Act have the same meaning as the Criminal Code.";

- Section 10(4) provides for punishment of parents as in s. 9 of the Code;

- Section 44(1) stipulates that the Identification of Criminals Act applies, subject to s. 44;

- Section 51 provides that, "Except to the extent that they are inconsistent with or excluded by this Act, all the provisions of the Criminal Code apply, with such modifications as the circumstances require, in respect to the offences alledged to have been committed by young persons."; and

- Section 56 provides that, "subject to this section, the law relating to the admissibility of statements... applies in respect of young persons".

Moreover in the passive sense, the YOA has fewer of the features of the JDA which distinguished the JDA from the Code. For instance the specific reference to not being treated "as a criminal" (JDA s. 38) has not been continued within the YOA. As well, pleas of "guilty" and "not guilty" have been substituted for the notion of delinquency.

On the other side of the argument lies this evidence:

- A number of procedures of the Code are varied or silenced - for example, part XX does not apply (with some exceptions; YOA s. 20(8));

- The preamble is distinctive, reflecting the sentiments expressed above by Judge Archambault;

- The dispositions are distinctive including provisions for open custody and community service orders, but excluding conditional discharges;

- The review procedures for certain dispositions are mandatory;

- Parents are required to play an extensive role in the judicial process (s. 9: Notices to Parents; s. 10: Order Requiring Attendance of Parents; and Disclosure of Reports, ss. 13(4), 14(5));

- The assistance of other adults is allowed (for example in s. 11(7));

- The record keeping provisions, although resembling those of the Criminal Records Act, are contained in a far-reaching and unique body of provisions representing a major effort to limit the undue propagation of a record through a youth's life;

- The definition of "inmate" in the Parole Act and of "prisoner" in the Prisons and Reformatories Act are modified to exclude convicted youths;

- The "breach of probation" clauses of the Criminal Code do not apply, but rather YOA s. 33 must be used; and

- Youth must generally be detained and kept in custody separate and apart from adults.

In weighing the overall intent of these various measures, it is perhaps best to follow these provisions as they read, without trying to describe the whole as a mini-Criminal Code. To accept an overall reference framework of the Criminal Code could tend to result in the inappropriate spillover of adult practices to Youth Services. The differences mandated by the YOA could well be submerged in such an approach.

Because this matter was raised so frequently during this consultation, in order to clarify the Department's position on these matters, we recommend:

RECOMMENDATION No. 10: THAT the Department of Community Services adopt the policy that the Young Offenders Act is criminal law (but not a mini-Criminal Code) and not child welfare legislation.

Commentary: This paves the way for 2 further consquential recommendations:

RECOMMENDATION No. 11: THAT the Department adopt a policy that non-custodial arrangements (to which reference may appear in the YOA) have the purpose of providing parenting or shelter and are a Child Welfare responsibility.

RECOMMENDATION No. 12: THAT the Department adopt the companion policy that detention, and open & closed custody orders have the purpose of controlling the youth's behaviour, which is in conflict with the law, and are a Corrections responsibility.

Commentary: Recognizing the YOA as criminal law provides clear direction for Departmental involvement. Direct YOA-based services should be generally Correctional in nature. To be sure, the YOA does allude to various parenting responsibilities (eg. section 7(4)) which may be discharged by Child Care Authorities. For instance, a ward may be released under section 7(4) to a Child Care Authority.

The implication of adopting this policy is to establish a test of whether Departmental programs, instituted to respond to the YOA, are in fact Correctional in nature.

If a program is constituted to offer "family counselling" to a youth and his family, or to carry out a long-term assessment or treatment regime, then the program could well be of a Child Welfare nature and, failing the test, should not be administered by the Correctional service.

At the same time, this position can be used as a basis for the Department examining how other elements of the Criminal Justice System are reacting to the Young Offenders Act. In particular, the YOA provides that "no disposition shall be made in respect to the young person under this section [i.e. s. 20] that results in a punishment that is greater than the maximum punishment that would be applicable to an adult who has committed the same offence". As well, the YOA limits the length of custody orders in most cases to two years or, for certain offences, to three years. These sections suggest that the YOA envisions lesser actual penalties for youths than adults. Thus, it would be appropriate for Probation Officers to recommend lower sentences for youth in pre-disposition reports. Also, it may be appropriate, where a youth is sentenced to open or closed custody for a period markedly in excess of that for adults, for the Department to undertake an examinination of the reasons for this in the court record (required by s. 20(6)).

If it appears that the length of custody has been ordered in order to provide for the parenting, or the treatment of the youth, then the Department may respond. It can advocate changing the order (eg. by initiating a review or requesting an appeal) thus making clear that it would prefer such cases to be dealt with under Child Welfare legislation or under the YOA provisions allowing, as a condition of probation, a residential placement to be arranged by the Provincial Director.

2. The Influence of the YOA on the Probation Service

To assess the YOA's influence, we compare its provisions regarding Probation to those of the Juvenile Delinquents Act in Figure 19.

The main effects of the YOA are as follows:

* The Probation Officer, or youth worker is no longer responsible to a judge but to the Provincial Director;

* The Probation Officer no longer has cause to be involved before the trial, nor must he or she represent the interests of the youth. Hence Probation Officers are no longer attending court as frequently.

* The Probation Officer has a less central role in the placement process, which is itself less comprehensive. Under the YOA, unlike the JDA, a youth cannot be committed to the Probation Officer's care and custody; a youth cannot be ordered directly to reside at home or in a foster home subject to family visitation by a Probation Officer; and a youth cannot be committed to a Childrens' Aid Society. Instead there is a condition of probation which allows the Provincial Director to specify a place of residence to which a youth may be ordered. However, Probation Officers may become involved in organizing and managing an open custody service;

* The notion of custody is clarified - under the JDA, committal to an industrial school more or less filled the role of custody, but it could also lead to subsequent placements of various kinds by the provincial authorities. This could not happen now without an appearance before the court; and

* The Act also provides for orders to continue in effect past the onset of adulthood, i.e. age 18.

FIGURE 19 - Probation Services to Youth: A Comparison of the Young Offenders Act with the Juvenile Delinquents Act

Point of Comparison	Young Offenders Act	Juvenile Delinquents Act
Designation	- Youth Worker	- Probation Officer
Accountability	- to the Provincial Director who must perform certain tasks	- to the judge of the Court with which the Probation Officer is connected - a judge may appoint a Probation Officer
Duties	- to prepare a P.D.R. or progress report - to attend court when adviseable - to supervise a youth - to give assistance to a youth upto discharge - to perform other duties	- to make investigations - to furnish information - to be present in court to represent the interest of the Child - to take charge of a child before or after trial
Dispositions (Probation)	- for up to 2 years - includes fixed conditions - may include supervision, maintaing employment, attending school, residing with parent, residing in such a place as Provincial Director directs	- committed to care and custody, optionally up to age 21 - remain in own home, subject to visitation by Probation Officer
Dispositions (Care)	- None	- commit to charge of C.A.S. or superintendent
Disposition (Custody)	- open & closed custody	- industrial school
Breach	- breach	- reconsider up to age 21

In addition, at the discretion of the province, the Act provides for a "person" to consider the use of authorized alternative measures. Such "persons" may include, but are not necessarily limited to Probation Officers. Other persons for whom such a responsibility might also be authorized include the police, and crown counsel. This responsibility aside, the services a Probation Officer provides to youth will in their nature, if not intensity, in the future greatly resemble those provided historically to adults.

G. OPERATION OF YOUTH JUSTICE SERVICES

1. The current Youth Justice System
2. Why Manitoba Involvement Rates are High
3. Suggestions for Modifying the Youth Justice System

G. OPERATION OF YOUTH JUSTICE SERVICES

1. The Current Youth Justice System

The considerable scale of the youth justice system is apparent from statistical information on the numbers of youth involved. Probation, itself, for instance, reports handling about 13,000 juvenile cases annually, of which over 10,000 are referrals for assessments. The statistics on the overall flow of youth annually through the system are summarized in Figure 20. It should be noted that this is a composite picture drawn from a variety of sources representing an effort at coordinating diverse counting procedures.

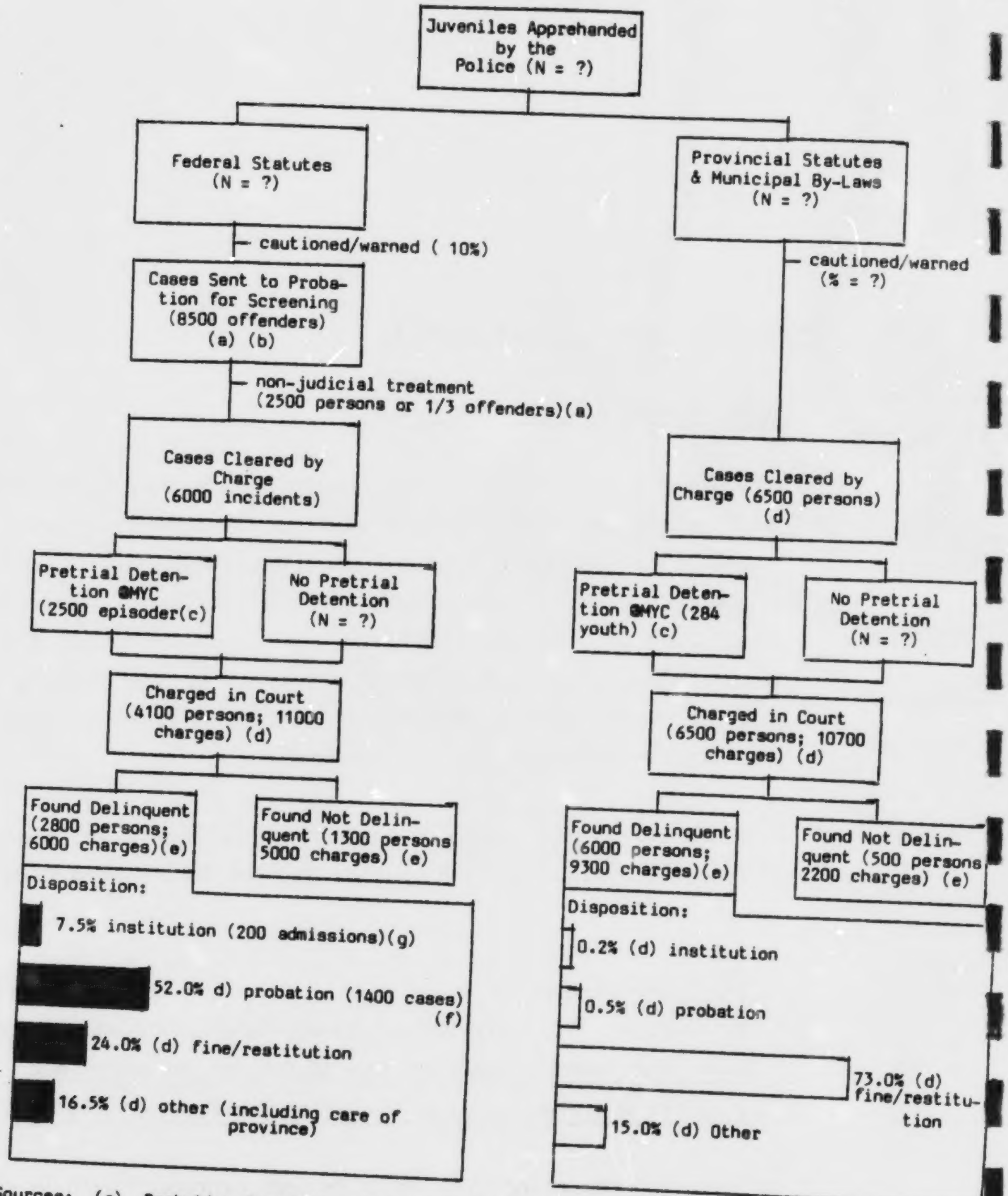
The important statistical features of this Figure for Federal Statute offences (Criminal Code, Narcotics Control Act, Food & Drug Act, etc.) are:

- The large number of cases referred by the police to Probation for screening. Typically 90% of these, say 8,000, will be male. Thus each year nearly 8,000 of the 50,000 or so males aged 12 to 17 - i.e. 16% - are screened by Probation for Federal offences.

- The high proportion (1/3) of offenders proceeded with by non-judicial processing. This is not "informal" diversion, for records of non-judicial episodes are retained, possibly subsequently disqualifying a candidate from future non-judicial processing;

Manitoba Youth Justice Caseflow, 1983

FIGURE 20


Juveniles Apprehended by the Police (N = ?)
Federal Statutes (N = ?)
Provincial Statutes & Municipal By-Laws (N = ?)
cautioned/warned (10%)
Cases Sent to Probation for Screening (8500 offenders) (a) (b)
cautioned/warned (% = ?)
non-judicial treatment (2500 persons or 1/3 offenders)(a)
Cases Cleared by Charge (6000 incidents)
Cases Cleared by Charge (6500 persons) (d)
Pretrial Detention @MYC (2500 episoder(c)
No Pretrial Detention (N = ?)
Pretrial Detention @MYC (284 youth) (c)
No Pretrial Detention (N = ?)
Charged in Court (4100 persons; 11000 charges) (d)
Charged in Court (6500 persons; 10700 charges) (d)
Found Delinquent (2800 persons; 6000 charges)(e)
Found Not Delinquent (1300 persons 5000 charges) (e)
Found Delinquent (6000 persons; 9300 charges)(e)
Found Not Delinquent (500 persons 2200 charges) (e)
Disposition:
7.5% institution (200 admissions)(g)
52.0% d) probation (1400 cases) (f)
24.0% (d) fine/restitution
16.5% (d) other (including care of province)
Disposition:
0.2% (d) institution
0.5% (d) probation
73.0% (d) fine/restitution
15.0% (d) Other

Sources:
(a) Probation Services, "Ministers Briefing Book", Section 9, "Statistical Appendix".
(b) Uniform Crime Reporting Statistics, Canadian Centre for Justice Statistics, unpublished data.
(c) Manitoba Youth Centre Statistics, 1983, page 1.
(d) Juvenile Delinquents, 1982, Canadian Centre for Justice Statistics.
(e) Juvenile Justice Program, Canadian Centre for Justice Statistics, unpublished figures on the proportion of persons charged who are found delinquent.
(f) Probation Services, Annual Statistics. (Note that 52% of 2800 persons, calculated from figures supplied by sources (d) and (e) are compatible with Probation Source figures.
(g) The admission figure recorded by Agassy was 180 in 1983 - very close to the national statistical figure of 200.

- The extensive use of detention at the Manitoba Youth Centre - nearly 30% of young offenders each year (2,500 out of 8,500) are detained; whereas only 250 youths are eventually institutionalized; and

- Of the 4,100 persons appearing in court, only 2/3 (i.e. 2,800) are found delinquent.[7] The remainder of the charges are withdrawn or stayed or the younth is found not delinquent.

With reference to Provincial Statutes, the surprising element of the chart is the 300 or so episodes of detention at the Manitoba Youth Centre for offences for which the usual penalty is simply a fine.

National Comparisons

These figures may be compared to the national picture. Those comparisons easiest to draw relate to involvement at court. They are based on the National Survey of Juvenile Courts which has been conducted by the Justice Division of Statistics Canada, now the Canadian Centre for Justice Statistics, for many years.[8]

Figure 21 presents the national comparisons in terms of charge rates. The charge rate displayed is simply the number of juveniles of each age charged with one or more Federal offences, divided by the number of juveniles of each age in the Manitoba/Canada population. The results are startling - Manitoba's rates exceed the national average for all ages. The excess also increases with age:

- plus 25% above the national average for 12 year-olds;

- plus 65% for 13 year-olds;

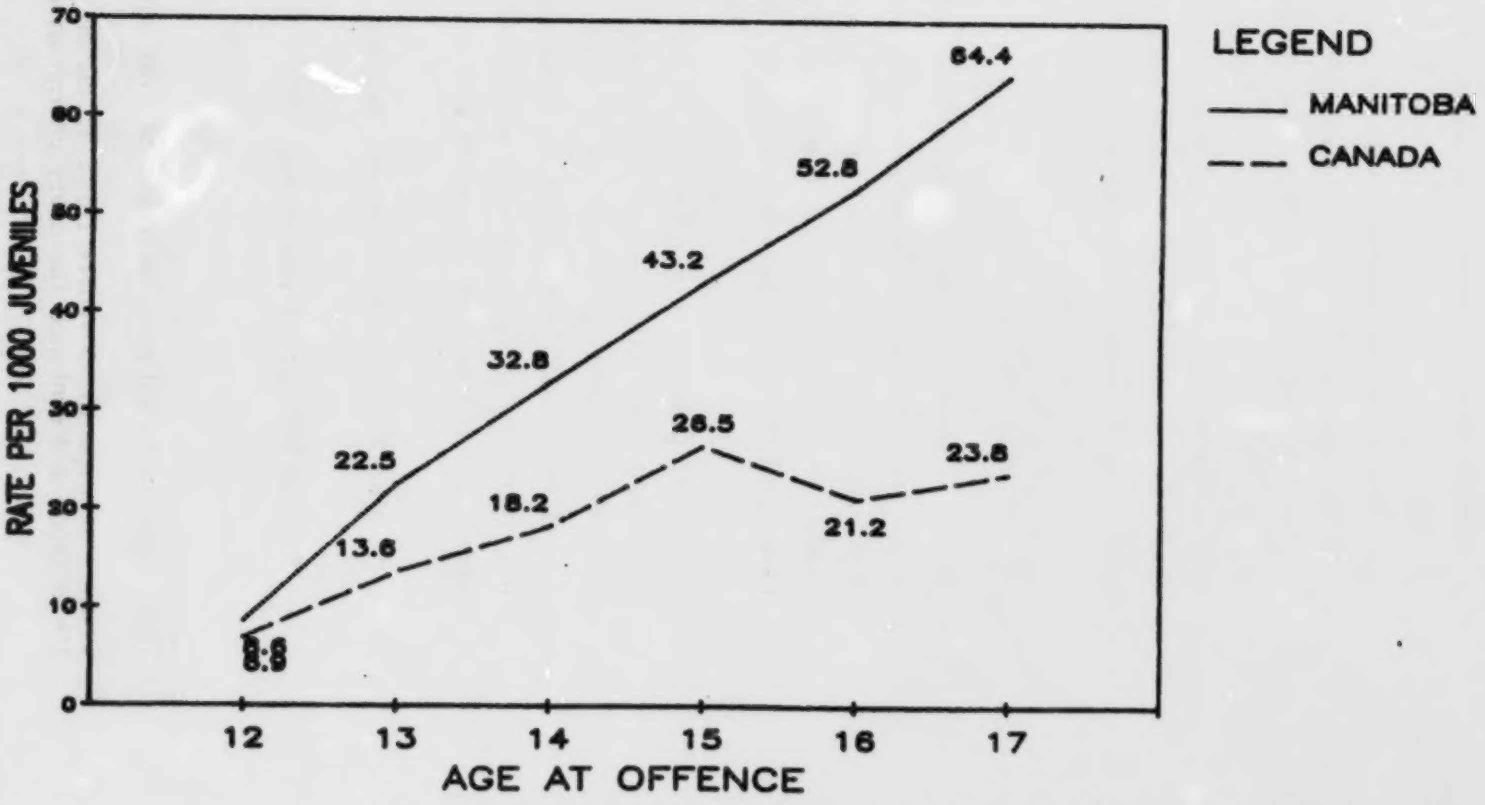
---

7) This compares to national averages of over 90%.

8) Every participating Juvenile Court in Canada completes a report indicating the offence and sentence for every charge on every juvenile.

FIGURE 21

NUMBER OF DELINQUENTS PER 1000 JUVENILES CANADA 1982



SOURCE: CANADIAN CENTRE FOR JUSTICE STATISTICS—UNPUBLISHED FIGURES

* plus 80% for 14 year-olds;

* plus 63% for 15 year-olds;

* plus 149% for 16 year-olds;

* plus 171% for 17 year-plds.

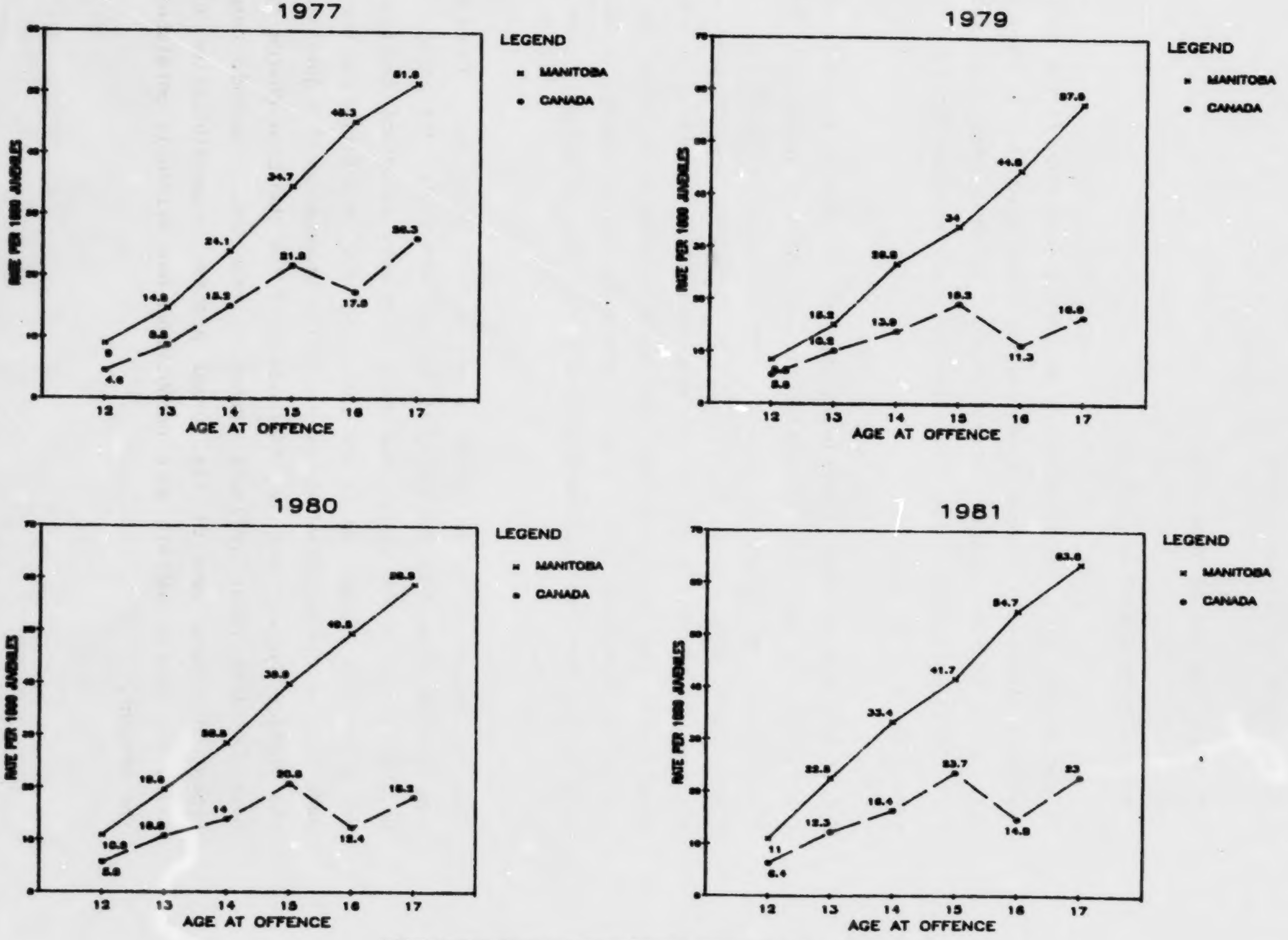
It was argued by a number of those we interviewed that if the justice system is stern with younger juveniles say those aged 12, 13, then this acts as a vaccine against future crime. If this hope were indeed fulfilled then charge rates above the national average for 12 and 13 year olds could be justified.

But if the vaccine were taking hold, then one would expect charge rates for 15, 16, 17 year olds to contract toward national norms. In fact, disturbingly, as Figure 21 reveals, the opposite is happening. The charge rates simply keep diverging. In fact this may not come as a surprise to some: the police had speculated that involving juveniles deeply with the Justice System and lawyers makes them "wise to the system". Sometimes under these circumstances, it may be a better strategy to threaten court appearances rather than to actually push the matter that far.

This situation is by no means a new one in Manitoba. Figure 22 contains the same data for 1977, 1979, 1980 and 1981. The pattern has shifted little since 1977. But this is a very important observation for 2 reasons. First, up to and including 1977, the Probation Service made many of the important decisions in the processing of a juvenile by the Justice System; and, so, the excess of the Manitoba charge rates over Canadian rates reflects Probation practice. Second, despite Probation losing some of its formal process responsibilities since 1977, the charge pattern once established has evidently persisted to the present.

FIGURE 22

NUMBER OF DELINQUENTS PER 1000 JUVENILES, MANITOBA & CANADA: 1977, 1979-1981



SOURCE: CANADIAN CENTRE FOR JUSTICE STATISTICS—UNPUBLISHED FIGURES

The 1982 charts are derived from 1982 data appearing in Table 5 for persons of both sexes, for Federal Statute charges. This Table incorporates a comparison to other provinces, whose identities are concealed to preserve confidentiality, in terms of the charge rates for juveniles. Table 6 presents similar numbers for males alone.

These numerical tableaux may be placed in perspective in several ways:

- For all youth, and for males, Manitoba has the highest calculated rate of charging for every age except age 12, where it places second;

Another way of looking at this is to realize that if Manitoba's rates were to fall to the national average rates, then:

- Instead of 4,100 persons being charged in youth court with federal statute offences, only 1,730 would be charged - a decline of 2,370 youths.

Or, converting these rates into proportions of the Manitoba population:

- One in thirteen of all male youths aged 12 to 17 appear in court each year for at least one Federal Offence (cf 1 in 26 for Canada);

- One in nine 17 year-old males appear in court each year for at least one Federal Offence (cf 1 in 24 for Canada);

- One in twelve 16 year-old males appear in court each year for at least one Criminal Code or Federal Statute Offence (cf 1 in 27 for Canada).

If one were to take the 12 year-old males and age them a year at a time, applying each year the age-specific charge rates, one would get a six year aggregate liability of court appearance of (14.6 + 35.5 + 50.0

TABLE 5 **No of Juveniles Charged With Federal Statute Charges (Criminal Code and Other Statutes) per 1,000 Juveniles Canada and Selected Provinces by Age, 1982**

	Canada		Manitoba		Provicial Comparision				
Ages	No. of Youth (000's)[1]	Rate	No. of Youth (000's)	Rate & Comparison to National Rate	Highest Rate	Second Highest Rate	Second Lowest Rate	Lowest Rate	Sask. Rate
12	248	6.9	16.6	8.6 (+25%)	10.1	8.6	3.5	2.3	3.5
13	242	13.6	16.2	22.5 (+65%)	22.5	19.1	8.6	8.3	8.3
14	341	18.2	16.3	32.8 (+80%)	32.8	30.5	6.8	5.6	18.3
15	355	26.5	16.5	43.2 (+63%)	43.2	41.4	18.2	10.4	22.4
16	143	21.2	17.9	52.8 (+149%)	52.8	29.1	N/A	15.2	N/A
17	142	23.8	19.3	64.4 (+170%)	64.4	17.5	N/A	N/A	N/A

Note [1] The variations in the numbers of youth at each age arise because: 1. Quebec maintains a lower age of jurisdiction of 14 years; 2) two provinces have a highest age of jurisdiction of 16 years, and two have 17 years.

Source: Canada Centre for Justice Statistics: unpublished figures.

TABLE 6 No of Male Juveniles Charged With Federal Statute Charges (Criminal Code and Other Statutes) per 1,000 Male Juveniles, Canada and Selected Provinces by Age, 1982

	Canada		Manitoba		Provicial Comparision				
Ages	No. of Youth (000's)[1]	Rate	No. of Youth (000's)	Rate & Comparison to National Rate	Highest Rate	Second Highest Rate	Second Lowest Rate	Lowest Rate	Sask. Rate
12	127.3	11.0	8.5	14.6 (+33%)	15.4	14.6	4.9	4.6	4.9
13	124.2	21.3	8.3	35.5 (+67%)	35.5	28.9	16.4	13.7	13.7
14	174.7	29.4	8.4	50.0 (+70%)	50.0	47.8	13.6	10.3	29.4
15	181.6	43.2	8.4	69.1 (+60%)	69.1	64.4	30.9	18.6	36.6
16	73.3	37.2	9.1	84.5 (+127%)	84.5	52.9	N/A	27.9	N/A
17	73.3	42.5	9.9	108.2 (+154%)	108.5	32.2	N/A	N/A	N/A
Overall	754.4	38.4	52.6	77.9					

Note [1] The variations in the numbers of youth at each age arises because: 1. Quebec maintains a lower age of jurisdiction of 14 years; 2) two provinces have a highest age of jurisdiction of 16 years, and two have 17 years.

Source: Canada Centre for Justice Statistics: unpublished figures.

+ 69.1 + 84.5 + 108.2 = 362 juveniles/per 1,000)[9] or 36.2%. Of course this requires that a boy appearing at age 12 not be the same boy that appears at age 13, 14 and so on. This is clearly not the case. But even if one were to assume that half of each year's "class" were recidivists, and half were new recruits to the courts, then, the six year liability totals (14.6 + ½ X 35.5 + ½ X 50.0, etc.) or 18.8%. This suggests that up to 1 in 5 youth could appear in court for a Criminal Code or federal statute offence at least once between the years of 12 and 17.

It should be understood that these cases represent less than half of the total court appearances - a further 6,500 Manitoba youth are annually charged with 11,000 Provincial Statute Offences.

However because the conviction rate for Federal Statute charges in Manitoba is substantially lower than that elsewhere in Canada, the actual number of youth found delinquent is not so disproportionate as the number charged, relative to the national averages. The practice in Manitoba of staying charges or withdrawing them was submitted by the Crown as the reason for the lower conviction rates. But it should be noted that by discharging youths from the Justice System at the last stage - at court - Manitoba incurs enormous costs for the processing of youth. Moreover, as we observed earlier, the court no doubt loses some of its mystique as a forum of last resort and the police have concerns that youth will become "wise" to using lawyers, etc. if they are exposed to the court process too much.

2. Why Manitoba Involvement Rates are High

Among the many potential factors which could contribute to higher involvement rates for Manitoba youth, we have concluded that two are most critical.

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[9] These numbers appear in Table 6, as the column headed "Manitoba, Rate + Comparisons...".

a) Limited Exercise of Police Discretion

Traditionally, the decisions which police officers make upon apprehending a youth include issuing a warning, speaking with the youth and/or his parents, referring the youth to a Child Care agency, or proceeding to charge. In Manitoba, in past years, most of this discretionary decision-making was replaced by a process of referral to Probation, which made a determination to proceed non-judicially or to charge. While Probation no longer instructs on charges, police still tend to issue appearance notices (in effect charging youth) and/or refer the case to Probation. (The charging process is described in Appendix 8) Police rarely issue warnings or conclude their files by speaking to the parents. In other words, the informal exercise of discretion is occurring infrequently, despite the great potential it holds for diverting youth at low cost at the front-end of the justice system.

Evidence of the impact of these practices is available from several sources. One of the most detailed, albeit somewhat dated of these sources, is a one-shot survey of police procedures conducted in December 1976 (Reference 6). The following tables are selected from that publication.

As Table 7 reveals, Winnipeg was one of only 2 cities in 1976 reporting that no warnings were issued. When this is combined with the very high police contact rate for Winnipeg in Table 8 (cf Calgary where warnings are also not used but where the contact rate if half Winnipeg's), the potential for involving large numbers of youth is clear.

The recent statistics for May of 1983 and 1984, reported in the previous Chapter, although lacking the detail available for 1976, confirm this situation.

Many police we approached remarked that they would be prepared to exercise greater discretion under some general guidelines. This

TABLE 7 Number and Percentage of Juveniles Charged, Warned and Referred,* Major Metro Areas, Canada, December 1976

	Total Number of Juveniles	Charged		Warned		Referred		Other	
		No.	%	No.	%	No.	%	No.	%
Metro Total	5,206	2,245	43	2,319	44	406	8	236	5
Halifax	90	44	50	37	41	5	6	4	4
Quebec City	124	59	47	12	10	1	1	52	42
Montreal	547	426	78	102	19	1	..	18	3
Ottawa/Hull	398	72	18	231	58	57	14	38	10
Toronto	1,560	357	23	1,132	72	58	4	13	1
Hamilton	409	70	17	249	61	67	16	23	6
London	136	42	31	92	67	1	1	1	1
Windsor	63	13	20	45	72	4	6	1	2
Winnipeg	678	521	77	-	-	143	21	14	2
Calgary	266	254	96	-	-	-	-	12	4
Edmonton	385	115	30	260	67	2	1	8	2
Vancouver	550	272	49	159	29	67	13	52	9

*Charged - refers to those juveniles charged or recommended to be charged.

Referred - refers to welfare agency referrals, probation officers referrals, school counsellor referrals and other referrals

Warned - refers to offender only warnings, parent/guardian warnings and other warnings

Other - refers to recommendation not to charge, no action and returned to an institution

TABLE 8 Rate of Police Contacts per 1,000 Juveniles Major Metro Areas, Canada, December, 1976

Metro Area*	Population**	Police Contacts	Rate per 1,000 Juveniles
Halifax	36,260	90	2.5
Quebec City	105,907	124	1.2
Montreal	455,534	547	1.2
Ottawa/Hull	138,693	398	2.9
Toronto	365,515	1,560	4.3
Hamilton	69,100	409	5.9
London	43,978	136	3.1
Windsor	40,076	63	1.6
Winnipeg	121,886	678	5.6
Calgary	98,709	266	2.7
Edmonton	98,312	385	3.9
Vancouver	199,575	550	2.8

*Each metro area complies with the provincially established maximum age of juvenile justice jurisdiction. These ages are as follows:

Less than 16 years - New Brunswick, Nova Scotia, Prince Edward Island, Ontario, Saskatchewan, Alverta (boys only), Yukon, and Northwest territories

Less than 17 years - Newfoundland, British Columbia

Less than 18 years - Quebec, Manitoba, Alberta (girls only)

**This figure was calculated by using the Statistics Canada publication of the 1971 Census of Canada - Population by Single Years of Age (Cat. #92-716). A percentage figure was calculated for the number of juveniles within the specified age range of juvenile justice jurisdiction for the census metropolitan areas, and was applied to the total metropolitan population as specified from the Police Administration Statistics Returns, 1976, as supplied by Statistics Canada (for Montreal the 1975 population was used). Calculations were done in this manner because of the boundary differences between the Census metro areas and the metro areas of police administration.

would better reflect their ability to make decisions, and could speed up the justice process (i.e., the police decide diversion rather than referring the matter to Probation for a later decision).

b) The Nature of Non-Judicial Screening

The second important contributing factor is the practice within Manitoba whereby non-judicial screening by a Probation Officer replaces police discretion as the means for diversion. (Recall, once again, that Probation reports accepting nearly 10,000 cases annually for assessment.) The problem emerges because, in some ways, non-judicial screening is a poor substitute for discretion.

For one thing, discretion in closer to the events: it often takes place as the police officer faces the complainant, the youth, and the offence. Non-judicial screening occurs after the incident, is a step removed from it, and may involve making a paper decision - i.e., comparing a police report on the incident to written screening criteria and records of prior involvements.

For another, the criteria themselves are restrictive. For instance, non-judicial proceedings are prohibited while the youth is currently on probation, where the offence is impaired driving, where the offence is against a Provincial Statute, or where another offence was committed within the previous year (even where a previous non-judicial was successfully completed).

The net effect of the screening process is less diversion, at considerable cost because a Probation Officer is becoming involved with each case.

3. Suggestions for Modifying the Youth Justice System

By synthesizing the above material, we can develop a chart suggesting how a revised youth justice system may function. This is set forth in Figure 23.

FIGURE 23 - The Proposed Functioning of Elements of a Modified Youth Justice System

Police	Proposal	Current
Warnings & Discretion	- encourage police officers to exercise greater discretion on contact with youth (especially those under 14), perhaps following general guidelines agreed to with the Department of the Attorney General. The police may wish to make a brief notation of contacts	- Police rarely exercise discretion
Detention	- used sparingly, where a youth is believed not likely to attend court or to be dangerous to himself or others	- used in 30% of cases
Shelter on Apprehension	- where required, make available to police a 24-hour family service providing shelter	- 24-hour family service does not appear readily accessible now
Diversion to Alternative Measures	- encourage the police to refer straight-forward cases to authorized alternative measures (eg. the first offender program of the Winnipeg Police Department), copying the police report - suitably notated that an alternative measure is underway - to the Crown (not to the Probation Service). In case the measure is not followed, the Crown would be notified and may proceed to charge. The Probation Service may be involved in these cases at the instigation of the Crown or the alternative measure agency	- only Probation Services make referrals to formal alternative measures (ie non-judicials)
Crown Activities	- the Crown may, where alternative measures arranged by the police, have not been fully discharged, or otherwise (eg. where a withdrawal is likely later), send a warning letter to the parents of the young offender	- Crown and Probation Officer may discuss whether a non-judicial is warranted
Charging	- the Crown instructs on the laying of the charge; the Crown may stay the charge and - where indicated by guidelines - refer the youth to an alternative measure, with case management by a Probation Officer	- the Probation Service refer cases to a Juvenile Justice Committee but keeps full care management responsibility

Based on this Figure, we make the following recommendations:

RECOMMENDATION No 13A: THAT the Department of Community Services open discussions with the Department of the Attorney General to encourage the development of guidelines acceptable to the police for exercising discretion.

RECOMMENDATION No 13B: THAT the Department of Community Services encourage the development by Child Welfare Services of a 24-hour shelter and transportation program in Winnipeg and perhaps elsewhere, including residential care facilities which can handle disturbed or intoxicated youth, with very easy access by the police.

RECOMMENDATION No 13C: THAT the Department of Community Services approach the Department of the Attorney General to develop a two-tier referral procedure to alternative measures programs. The earlier stage would allow direct referral to an alternative measure by the police prior to charge. The second stage would allow referrals to an alternative measure by the Crown once a charge is laid.

RECOMMENDATION No 13D: THAT the Department of Community Services approach the Department of the Attorney General to consider instituting a system of warning letters on the part of the Crown.

RECOMMENDATION No 13E: THAT the Department of Community Services re-direct the Probation Service away from making all alternative measures and toward: a) case management where there is a referral from the Crown, b) involvement, on the request of an alternative measures agency, where there is a referral on the part of the police; and c) the development of agencies managing alternative measures of various kinds throughout Manitoba.

H. OTHER ISSUES

1. The Separation of Probation Services for Adults from those for Juveniles
    - a) The Level of Service to Youth
    - b) Service Comparisons: Adults and Youth
    - c) Breaking Up District Offices
    - d) The Economies of Separation
    - e) Specialization
2. Program Linkages with Child and Family Services
    - a) The Concept of Generic Services
    - b) The Level and Process of Interaction
    - c) Conceptual Demarcation
    - d) The Division of Responsibility and Coordination of Placements
    - e) The Role of Probation Officers
    - f) Regional and District Boundaries
3. Information Systems
    - a) Record-keeping
    - b) Information Systems Development

H. OTHER ISSUES

1. The Separation of Probation Services For Adults from those for Juveniles

a) The Level of Services to Youth

In its written submission to the Deputy Minister, the Probation Service characterized the deployment of its staff as:

> "[delivering service through] semi-autonomous, decentralized regional units, ...purposefully conceived to ensure sensitivity to awareness of local community circumstances."[10]

The submission continues by arguing, "for decentralization to be viable, regional offices and sub-offices must be of... optimum size... If services were split, with separate youth and adult offices, many of these offices would be too small to provide effective regionalization". This raises an important question. What proportion of staff resources could be allocated, even notionally, between the youth and adult faces of the Probation Service?

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[10] Reference 11.

The level of service to youth may be calculated from the level of services to adult probationers. This level is available in Adult Correctional Services in Canada, 1982/83 (reference 3), to which Manitoba reported the material in Table 9.

Table 9

Manitoba Probation Services: Resources for Adult Services 1982-83

Probation Officers (P.O.'s)	47
Other Staff	21
Total Staff	68
Operating Expenditures (000's)	$2496
Adults in Population (age 18 and over; 000's)	743.2
Population (000's)	1035.2
P.O.'s per 100,000 adults	6.3
P.O.'s per 100,000 population	4.5

Services to adults in Manitoba are recorded as expending 68 staff years. Thus, by simple subtraction from the 169.5 staff year total,[11] the allocation for juveniles is arrived at: 101.5 staff years. The ratio of staffing between juveniles and adults becomes 1.5:1.

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[11] See page 38 for the complement of Probation. As noted there, this total was reduces by 8 vacant positions in late 1983, but there is no evidence this reduction disproportionally affected the service to youth.

A second more complex approach to the same question yields a similar answer. It is detailed in Appendix 13

b) Service Comparisons: Adults & Youths

Another issue raised frequently during this exercise was that juvenile and adult services differ in substantial ways. There is a considerable body of evidence that this is the case.

One of the immediately apparent differences is the length of probation orders. These are displayed in Table 10, which confirms the expectation of greater periods of probation for adults.

TABLE 10

Manitoba Probation Service: Length of Probation Orders - Adults & Juveniles

Cases Active - June 1984

	Adults	Juveniles
Average Order Length	19.9 mos.	15.6
Median Order Length	24.0	12.0
Maximum Order Length	60.0	60.0

Source: Probation Service; special computer enquiry; calendar 1983 admissions.

Further distinctions with respect to the classification of offenders, appear in Table 11. We note that adults are more likely to be classified as requiring maximum (i.e., most intensive) supervision, and correspondingly less likely to require medium supervision.

TABLE 11 - Manitoba Probation Services: Offender Classification, Adults and Juveniles - Cases Active June 1984

	Adult	Juvenile
Minimum Classifcation	20%	20%
Medium Classification	37%	45%
Maximum Classification	43%	35%

SOURCE: Probation Services; special computer enquiry.

In terms of the problems confronting offenders, other differences emerge from Table 12, which depicts selected problems reported in the Offender Classification System.

TABLE 12 - Manitoba Probation Service: Offender Needs - 1983

		No Problems Recorded	Some Problems	Major Problems
Alcohol Use in Family	Adult	92%	6%	2%
	Juveniles	64%	27%	9%
Alcohol Use by Probationer	Adult	43%	43%	14%
	Juveniles	51%	43%	6%
School Problems	Adult	96%	2%	2%
	Juveniles	63%	31%	6%
Academic Skills	Adults	78%	11%	11%
	Juveniles	72%	24%	4%
Employment Skills	Adults	45%	38%	17%
	Juveniles	75%	14%	11%
Family/Marital Relationships	Adult	48%	38%	14%
	Juveniels	40%	44%	10%
Peers Companions	Adult	49%	44%	7%
	Juveniles	25%	64%	11%

SOURCE: Probation Services. Computer-generated 1983 Year End Reports.

Observe that youth tend to have a greater proportion of problems with peers, family relationships, academic skills/school problems, and - to a lesser degree - alcohol abusage. This pattern corresponds to the view of Probation Officers that Youth Services require extra intensity as a result of the Probation Officer's increased involvement with the home, school, and peers.

c) Breaking Up District Offices

In many rural areas, the district offices are staffed by 3 to 5 Probation Officers, 1 or 2 support personnel, and a Senior Probation Officer (SPO). About 60% of the activity is attributable to Youth Services. While this may vary from office to office, the proportion suggests that separating the youth and adult services would mean transferring, for instance, 2 of 3 staff, or 3 of 5 staff to youth duties. This would have two consequences.

First, the remaining staff complements would be too small to warrant an on-site supervisor. Thus many SPO's might just as well be transferred with the bulk of the staff to Youth Services. The few remaining staff serving adults would have to be supervised from elsewhere, and likely organized in larger districts - at least twice the current size. This could lead to a chain of isolated sub-offices, some of which would have staff of only 1 or 2. This would be an unsatisfactory situation for morale and control. As a second consequence, the Youth staff, perhaps now part of the regional offices of the Department of Community Services, would feel constantly threatened with losing their identity as Probation Officers.

Alternatively the district offices could be left intact, and the Directorate of Probation could report to two Executives (i.e. Youth Services and Probation) in Winnipeg. This arrangement also is problematical, subjecting Senior Probation Managers to two different sets of logistics, priorities, and all the variable minutae of different Divisions of government (for example meeting schedules, training schedules, vehicle allowances, etc.).

Within Winnipeg, it was generally acknowledged that Services to Youth and Adults could be segregated, from the standpoint of administrative feasibility. However much of the impetus for doing so would be lost if other offices remained intact.[12]

Organization of Other Community Correctional Programs

Moreover, were separation to proceed in Manitoba, the functioning of Community Corrections in a broader sense - (including the Fine Option Program, the Community Service Order Program, & Restitution) - would have to be divided or unified. Were it kept unified, then it would either have to be located with the Adult Service or the Youth Service - and either approach causes multiple programmatic and organizational problems. Were it to be divided, further inefficiencies arise because these other community programs operate with a moderately sized staff, not easily divided up.

d) The Economies of Separation

The economies of separating the Services are difficult to ascertain. One of the provinces looking at such an arrangement believes it would increase unit service cost by about 25%. Costs would arise from hiring additional part-time staff to make up for extra travel and so on.

e) Specialization

Another question is whether service specialization for adults or youth should be encouraged, even if segregation is not attempted.

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12) For reasons such as these, officials of another province, which may separate Youth and Adult Services, have suggested that separation could not proceed in certain remote areas. This leaves a situation half-way between separation and integration: it is the sort of arrangement that can reduce manageability of the whole system.

This issue can't be dealt with conclusively now - it requires further study. However a number of advantages and disadvantages were mentioned.

Advantages to Specialization

Among the attractions of specializing in Youth and Adult Services can be considered the following. It would, in the view of the Probation Officers with primarily adult caseloads, allow services to adults a greater chance to develop. This development now tends to be subordinated to that for youth in day-to-day terms. As well, the creation of a youth specialty in Winnipeg would parallel the specialization in the courts (the Family Division), the police (Winnipeg Police Department, Juvenile Division) and among Crown Counsel. Moreover, specialization would prevent many Probation Officers appearing at Youth Court on one of two cases each, rather than one or two Probation Officers appearing each with many cases.[13]

Difficulties of Specialization

Among the difficulties with specialization, the following were mentioned. The service to youth, while not different in essence, differs in intensity - Youth Services being significantly more burdensome. Contacts required by a youth case may easily include the full family constellation, schools, friends/associates, and other third parties. Contacts with adults are, classically, more straightforward. The extra burden of youth cases would, it was said, lead to increased burnout, unless mixed with the less-intensive Adult Services. Of course, in point of fact, such burnout could be avoided by rotating staff among Youth and Adult

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13) This situation, we were told, arises infrequently now.

Services in a regular pattern. But staff need to believe that this would happen. The final advantage to a unified service is that resources targetted at youth would spillover to adult services. Historically, we have been told, Youth Services attracted the greatest proportion of resources. This may well continue. It is likely that, in the forseeable future, the influence of the Young Offenders Act will be to inject funds and new ideas into Youth Services. Opportunity for spillover to Adult Services under those circumstances should be encouraged. This maximizes the indirect consequences of the Young Offenders Act for the entire Justice System.

Other forms of specialization may nonetheless be welcomed by staff, and constructive to the Service. These could include consciously encouraging certain Officers to develop skills in subjects such as substance abuse and spousal abuse.

Under these circumstances we recommend:

RECOMMENDATION No. 14: THAT the services of Probation not now be specialized into a Youth and Adult Service.

Commentary: This recommendation is made with the understanding, that where duplication of services is now occuring (such as with many Probation Officers being present at Youth Court, each present to represent one or two Youth cases) steps will be taken independently to eliminate it.

2. Program Linkages with Child and Family Services

a) The Concept of Generic Services

A "generic concept for public services" had been stated in the letter from the Minister to all staff as a fundamental precept of the reorganization of the Department and, so, it warranted our careful attention.

In fact, the term "generic" was not as yet widely or consistently understood within the Department at the time of the consultation. Various respondents expressed reservations or uncertainty about the definition of this term, about its applicability throughout the Department, and about its usefulness in determining the relationship between Probations Services for Youth, and Child and Family Services. For instance, senior departmental officers provided definitions ranging from common access to services for the handicapped to community-based services. With one exception among the middle level staff, we found similar impressions. This confusion was also prevalent among members of the Probation Service who, to be sure, had an interest in expressing disquiet - as "generic service" had been stated as a justification for a restructuring they opposed.

Nevertheless if "generic services" meant moving services, marginalized by the nature of the clientele, into the central public service stream, then it could be widely accepted by our respondents. In fact, the Department subsequently has developed a mission statement incorporating and defining "generic services" in much this way. It reads, in part, "Individual needs should be accommodated within the regular services available to all members of society, be they social, health, education, transportation or other services - public or private".

The reservations, expressed by staff towards this concept, arose from a concern that it could be used to merge services, which are intrinsically within different service streams and are distinctive by virtue of the means by which clients accessed the programs. Thus, Probation Officers, noted the incompatabilities between:

- Family Services which are supportive;

- Childrens Services which may be intrusive to the family but are supportive for the child; and
- Probation services which may be obligatory and controlling.

Members of the Probation Service also remarked that offering such diverse services through one person could leave that person on the horns of a dilemma of conflict of interest. (One horn representing the interests of a child, and the other the interests of the court). It may also place the client in an uncertain relationship to the service provided. Is the relationship to the generic service provided one of trust? Of support? Of concealment? Of punishment?

However, Probation Officers recognized the merits to viewing service in a generic way within a major service sector - in their case Corrections. Accordingly, they argued that services to 16 and 17 year olds were similar to those for 18 to 22 year olds, and that the somewhat arbitrary dividing line at age 18 should not be an impediment to a continuum of services.

To conclude, it appears that the notion of generic services, when clearly understood within the Department, could play an important unifying role within major program sectors. Thus, it could be a framework for services within the Community Social Services area, within the Child and Family Services area, and within the Correctional Services area.

b) The Level and Process of Interaction

The actual concurrent involvement of youth with Probation Services and Child and Family Services is moderate. From information presented by the Probation Service,[14] it would appear that:

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[14] Reference 11.

- 9% of probationers are permanent or temporary wards; while
- 3% of child and family services caseloads are of interest to Probation.

These figures would be inflated if consecutive, or tangential - and not simply concurrent - involvements were taken into account. Such considerations of more sophisticated involvement structures are certainly better indicators of mutual interests among the services, and of the level of service coordination required over the lifetime of the case. These more sophisticated interactions among the Services are difficult to quantify. However, estimates by the Probation Officers of the number of Youth Probation cases, where an open family service file had at one time existed, ranged upwards of 20%. As well, it was acknowledged by the Probation Officers that a large percentage of the families on the case loads experienced significant problems.

Other overlaps between Probation Services and Child and Family Services include:

- The Manitoba Youth Centre, whose statistics reveal 80 or so child welfare admissions for "unmanageability", which is 3% of the total admissions; and
- Youth sentenced under the YOA to open custody, where 10/13 cases have (sometimes extensive) children services histories. See Appendix 7.

Nevertheless, by themselves, all these figures do not argue for a merged service since other services - Income Security and Child Care, Corrections and Income Security - can easily experience comparable levels of overlap, but yet be seen as distinct programs.

Whatever the degree of overlap, it has been historically sufficient, or intense enough to allow some points of friction to develop. The following instances were cited:

- In the past five or six years, it was observed that Probation Services had largely withdrawn from handling placements under the "Permission to Place" disposition. This left Childrens Services with an increased workload, in an environment where the judges were occasionally skeptical of the Child Welfare workers' understanding of the Criminal Justice issues in the case;

- When the Probation Service did operate a group home/placement program for certain youth under supervision, it would from time to time request apprehension of the youth at the conclusion of the supervision period - often on short notice;

- Recently, the Child Welfare authorities - through closing their group homes to offending youth - have appeared to act unilaterally;

- In the past, when Probation Officers could instruct on the laying of charges, they would use this authority to oblige the involvement of Child Welfare staff under the threat of otherwise laying the charge; and

- Children, upon release from a period of detention (at the Manitoba Youth Centre) recommended by a Probation Officer, and in need of transportation to a home community outside Winnipeg, would require apprehension so the return transportation could be paid for.

There was a further general problem. Members of the Probation Service regard themselves as having a clear mandate - namely their legislative relationship to the court; as having a means of influencing their caseloads - through recommendations to the courts, and through operating the non-judicial referral process; as having a graduated but ultimately significant degree of control over their clients through the threat of reinvolvement in the court process; as enjoying a clear, published set of Standards, compliance with which is audited; as operating with generally capable managers and administrators; and in servicing high, but not unmanageable, work levels. The Child Care staff see this work as being a bit of a "soft touch".

On the other hand, the Child Care Agency staff view themselves - in contrast to the Probation Officers - as having an uncertain mandate, with little means to influence their caseloads (the recent rapid increase in reported incidents of child abuse was cited), no clear set of standards or policies, overloaded management, and heavy workloads. All of this, it was reported, contributes to burnout and high rates of staff turnover. In many ways, the Probation Officers share these views of the circumstances of the Child Care Workers. This perception we believe, contributed to the strong aversion among Probation Officers to share these travails by becoming "generic workers". On more than one occasion, members of the Probation Service said they didn't believe one could achieve overall sound management, by mixing a well-managed service with one that appears to them to be less well-managed.

A number of the specific problems cited above have disappeared over time. As well, in practice we were told, the local relations between the services outside Winnipeg have been - where personalities have not interfered - cordial and constructive. This is despite some strongly held views on reorganization by both parties. Staff are able to resolve individual problems reasonably well. Within Winnipeg, the relationships have been colored by the past functioning of the Children's Aid Society of Winnipeg and its current reorganization: suffice it to say, the breaking up of the

Children's Aid Society of Winnipeg and the creation of six community-based Children's Aid Societies was seen by Probation as a step which will lessen friction.

In conclusion, we submit there are no significant structural impediments to a good working relationship between the two distinct services at the level of day-to-day interaction. However, what surfaced from all this as a point of agreement among our respondents, was that working relationships in a structural sense would be improved with a clear statement of demarcation between the two services.

c) Conceptual Demarcation

To function properly, the interface between the services to children and young offenders requires a recognition of separate professional service roles, as well as a means to share the tasks and resolve problems.

The philosophical footings for Corrections recommended above, if adopted, delineate one side of the conceptual interface. While it is not our purpose to formulate the corresponding mandate for Child and Youth Services, some perceptions of it from a Corrections standpoint must be sketched in to complete the picture. Many of the respondents saw the distinctive role of Child and Youth Services as providing parenting and shelter. For children in a home, this would involve supporting the parents themselves; for some children, it could mean surrogate parenting; for older children and youth, it might mean offering food and shelter along with a high level of independence.

Such distinctions between the two services are certainly compatible with the Young Offenders Act which not only defines "parent" and "youth worker" but also recognizes significant separate roles. As well, the Young Offenders Act has disentangled these two distinct but related responsibilities, by excluding as a disposition the (Juvenile Delinquents Act) provision for commitment to a Children's Aid Society or Superintendent. These considerations lead us to recommend:

RECOMMENDATION NO. 15: That the Department declare a philosophical distinction between Child and Youth Services - premised on the state providing non-custodial parenting or shelter- and Youth Correctional Services (particularly Probation) - based upon state intervention due to criminal behaviour.

Commentary: This distinction would assist the Department in developing its policies along two clear avenues.

The essence of this issue is that, in many instances, both Services must deal with questions of absence of control. Some behaviour, while criminal in appearance, can be readily traced to control or other problems within the home. The issue is complex. Despite these differences, two notions helpful in reducing this overlap were mentioned by a number of our respondents: the age of the youth and the nature of the offence. The specifics of these guidelines are considered at greater length in Appendix 14.

d) The Division of Responsibility and Coordination of Placements

The most significant consequence of the proposed conceptual demarcation lies with the placement process.

The placement process traditionally has operated in Manitoba so that placements may be ordered as a condition of probation (the Juvenile Delinquents Act allows this in s. 20(1)(f)). A similar provision appears in the YOA. However, under the JDA, a juvenile court judge could commit a child to a Childrens' Aid Society or Superintendent; this allowance was not made in the YOA. Moreover, the YOA empowers a court to release a youth to the care of a responsible person (s. 7(4); such a placement may well continue until the making of a disposition). It is our view that these placements are inherently a parenting or shelter question.

The YOA also provides for orders of detention as well as secure and open custody. We believe these decisions are not placement matters but are correctional in nature. There notions were expressed formally in recommendations 11 and 12 of Chapter F. The acceptance of these recommendations would have a number of programmatic implications for the Department's placement processes.

Firstly, prior to disposition - where detention is not necessary, but where parenting/shelter is required - the Child Care authorities would have the responsibility to provide Care and Custody when called upon to do so by defence counsel. This could arise where a release order to a responsible person is made under s. 7(4). Also such youths (wherever in a predisposition situation but not in detention) would not be excluded from residential facilities where other children (who may be involved in these facilities under the provisions of the Family Services Act) are also located.

Secondly, where detention is ordered prior to disposition, the correctional authorities would exercise responsibility.

Thirdly, following disposition, where a probation order with a placement condition has been made, the Child Care authorities would generally arrange and manage the placement. However the Probation Officer would retain responsibility for monitoring the conditions of the probation order (such as restitution and so on) and for making other necessary arrangements (such as attendance at the Remand Attendance Centre). In some situations, for convenience or economy in a rural area, or for reasons related to the history of the case, the Child Care worker could accept full case responsibility. In these situations, there should be a mechanism to allow the worker to be named as a "youth worker" under the YOA. (Note this arrangement violates the principle of separating youth in conflict with the law from youth requiring parenting or shelter, and should be used sparingly). Although many of the joint involvements between the Child Welfare and Probation Services will be established locally, because of the importance of this interaction between the services, we make the following recommendation:

RECOMMENDATION NO. 16: THAT the Department of Community Services encourage greater coordination of the placement functions of the Child Care Authorities and the Probation Service

Commentary: The inclusion of this recommendation is intended to emphasize the importance of a properly functioning residential placement process at all stages of a youth's involvement with the Justice System.

Fourthly, following disposition, where a period of secure/open custody has been ordered, the correctional authorities would assume responsibility. Such custody could not be served in a facility also offering child care to other children concurrently.

e) The Role of Probation Officers

The establishment of these program boundaries leaves Probation Officers with a number of important but clearly Correctional responsibilities. In the main, their roles in serving youth would resemble those for adults; viz. court-ordered reporting and supervision. Probation Officers would be involved in community development, particularly the development of alternative measures programs, and in the case management of youth participating in some of these programs. As well, Probation Officers could play an important development and management role in open custody services in Manitoba.

The Probation Officers would not be involved in delivering extensive therapy to the offenders' families; that would be a Family Service responsibility. Rather, the Probation Officer would be involved in delivering services whose purpose was to assist the offender in controlling or modifying expressions of behaviour in conflict with the law. This responsibility could be discharged through such programs as counselling on substance abuse, spousal abuse, or incestuous behaviour.

Finally, Probation Officers would continue to play a significant role in crime prevention activities in the schools, and among youth organizations; as well as participating with their colleagues in other sectors of the Criminal Justice System in ensuring the harmonious and forward-looking operation of that System on a local basis.

The correctional focus to these duties suggests that the professional complement of the Service could be altered to include more criminologists. As well with the YOA, there is greater attention to court-ordered activities which are often straightforward and well described in the Standards. This would lend support to the arguement that the staffing mix be adjusted to include a higher proportion of administrative support staff to handle such responsibilities. Under these circumstances, the professional staff would step back from certain direct services and, instead, audit the work of the administrative staff, while confining their personal intervention to the more complex cases.

f) Regional and District Boundaries

In order to facilitate constructive local dialogue between Child Care Authorities and the Probation Service, we examined whether the boundaries for the geographical districts could be made co-terminus. If this were readily achieved, the Department of Community Services would enjoy a consistent local geographical base. In day-to-day terms, a Senior Probation Officer would have exactly one contact point in a Child Care agency, either the Childrens' Aid Society Executive Director or his delegate, for matters of mutual concern. Under any other arrangement, the involvement of two, possibly three, representatives from each of the Child Care authorities and the Probation Service would be required, in order to resolve problems. In such a situation, matters may be left unresolved to quietly escalate up the respective organizational hierarchies, or to be lost sight of entirely.

Rural

In rural areas, the current boundaries of the Department's regions also constitute the boundaries of the Probation districts. Therefore no action is required. However, the following unresolved complication should be noted. To the extent that certain Child Care Agencies function either sub-regionally or trans-regionally - instances of which arise with Indian Child Care Authorities - no sensible restructuring of the Probation Service could match this geographical pattern.

Winnipeg

Within metropolitan Winnipeg, child care is provided by six Childrens Aid Societies, with mutually-exclusive geographical responsibilities; and Probation Service is delivered through six districts.[15] Comparing

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15) Actually through seven districts, but two districts share a geographical area.

Figure 24, the map of the Childrens Aid Society boundaries, with Figure 25, the map of the probation districts - shows the two sets of boundaries, happily, to be nearly identical. While each probation district would undergo some changes, the most consequential would involve moving the western portions of the Southwest district to join the West district.

We therefore recommend:

RECOMMENDATION NO. 18: THAT the Department of Community Services restructure the geographical boundaries of the Probation Service district offices to be co-terminus with the Child Care Agency boundaries.

Commentary: We suggest this recommendation be carried out by instructing the Corrections Division to rearrange the Probation Service district boundaries accordingly. We further suggest this activity be accomplished as soon as possible, so as to minimize dislocation and apprehension in the Service, which could arise from this being left to "hang fire". Because a number of districts are both gaining and losing territory, the net effect on individual staff can be minimized. In short, some cases would be given up and some added in the district, and those staff losing cases might be assigned the new ones.

Other Components of the Criminal Justice System

We considered also whether the boundaries of Probation districts could be aligned with those adopted by other components of the Criminal Justice System. It was immediately clear that this would not be of great benefit in terms of the police. In Winnipeg, there is a single juvenile division to deal with, in any event (although there are a number of local district stations). With respect to the RCMP outside of Winnipeg, consultation can, and does take place with "D" Division, as well as with local detachments. For individual city and town Police Departments, matters can also be dealt with locally.

FIGURE 24 Boundaries of the Children's Aid Societies in the Winnipeg Area

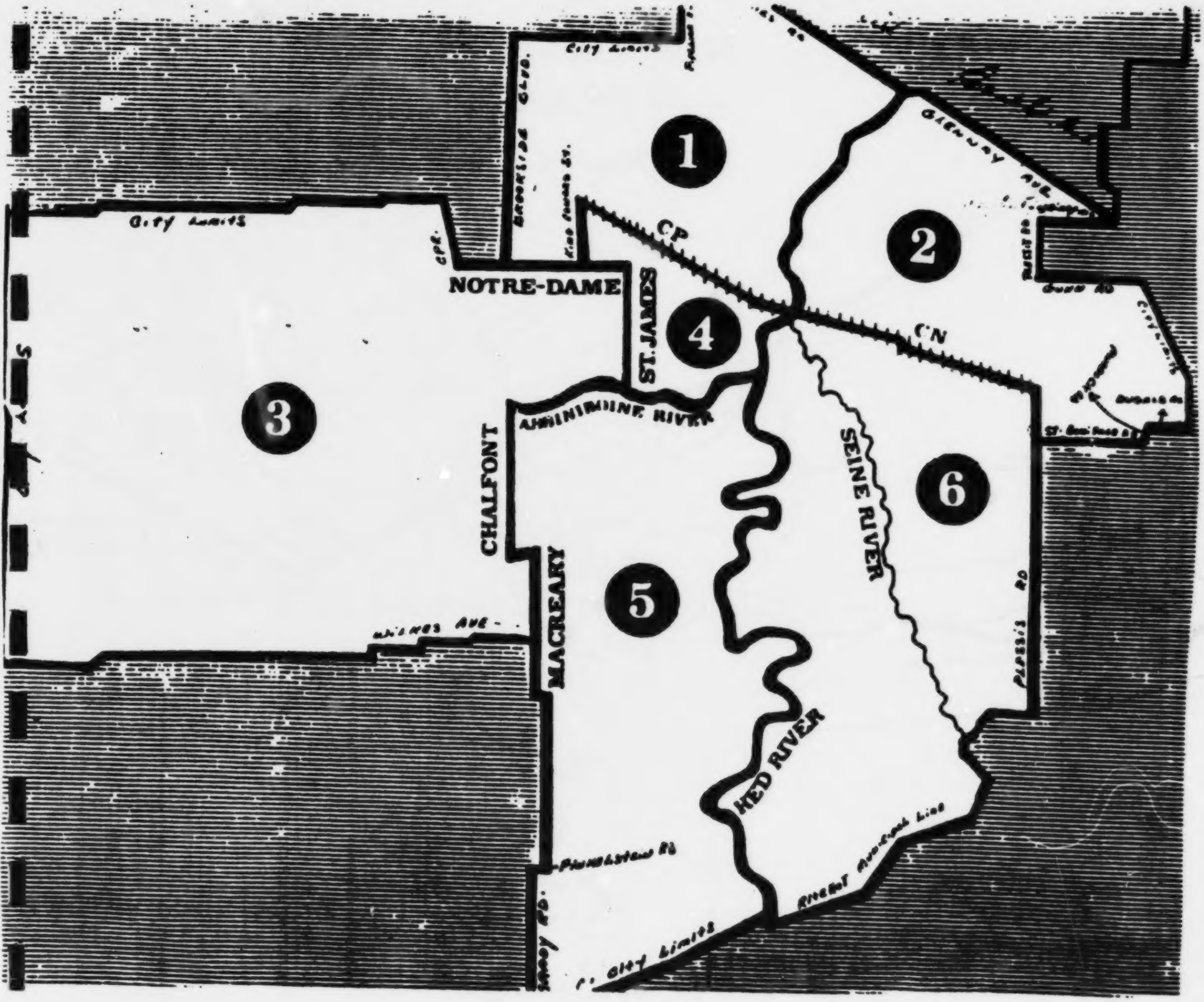
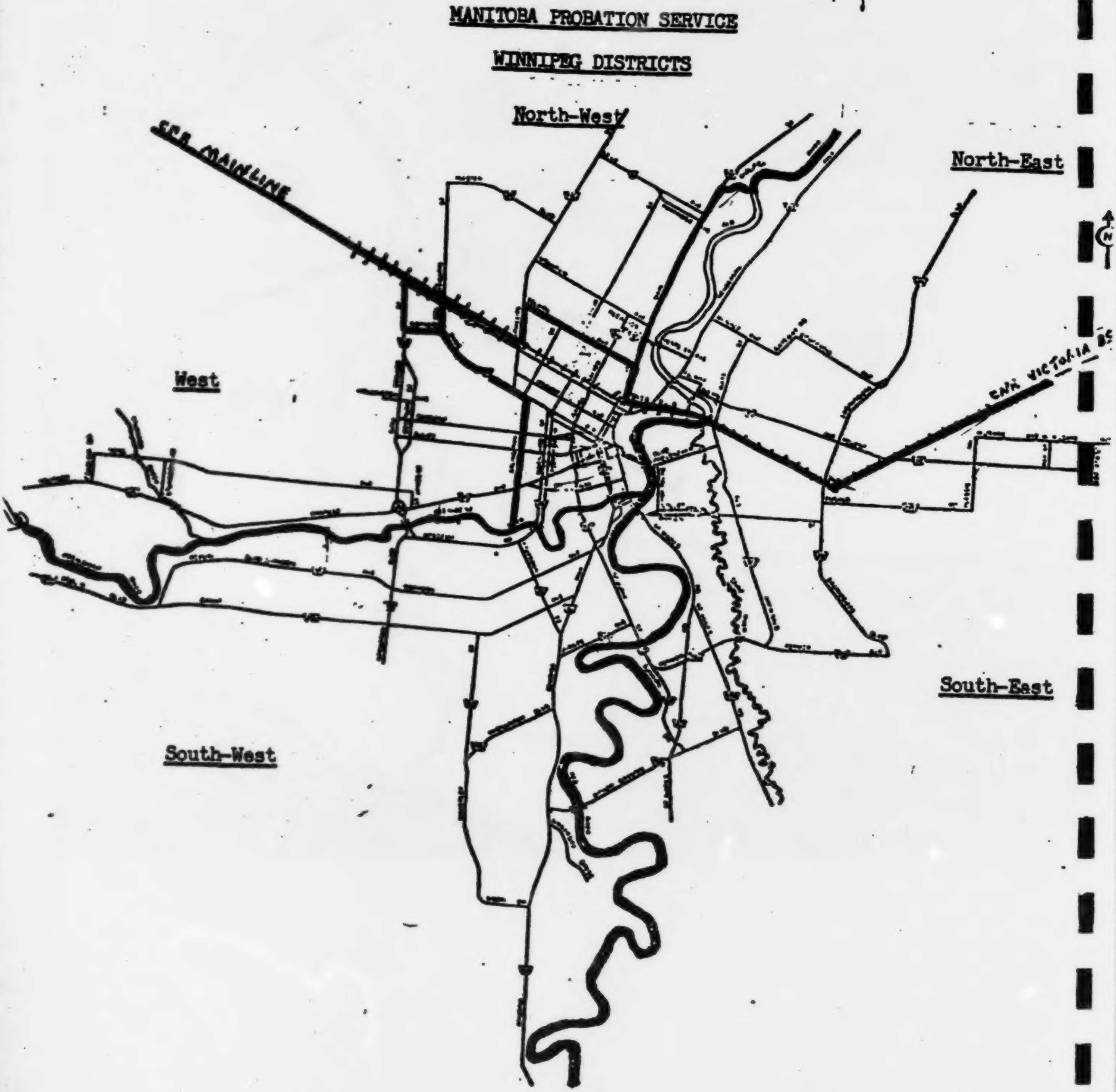

City Limits
Brookside Blvd.
King Edward St.
1
Glenway Ave
2
City Limits
CPR
NOTRE-DAME
CP
ST. JAMES
4
CN
3
ASSINIBOINE RIVER
CHALFONT
SEINE RIVER
6
MACREARY
5
Plessis Rd
RED RIVER
City Limits

FIGURE 25 Boundaries of the Probation District Offices in the Winnipeg Area

Fig 25


MANITOBA PROBATION SERVICE
WINNIPEG DISTRICTS
North-West
North-East
West
South-West
South-East
CPR MAINLINE
CNR VICTORIA BS
N

The other important elements of the Criminal Justice System - the courts, the crown, and court services - appear to base their service delivery more or less on the judicial districts. There are four judicial districts outside Winnipeg (somewhat fewer than the number of Probation districts), and one in Winnipeg (cf. six probation districts). Moreover, adherence to the rural boundaries seems flexible; judges, court clerks, and crown counsel may be located in the local district or they may travel from Winnipeg. There seems to be no straightforward way to harmonize the geographical deployment of Probation with these geographical arrangements.

3. Information System

a) Record-keeping

One of the features of the Probation Service is the completeness of its records with respect to the history of delinquency of a juvenile. (One indicator of this situation is the enormous number of juvenile cases served annually by Probation - reportedly over 13,000.) Consequently other components of the Juvenile Justice System have traditionally placed considerable reliance on these records.

For virtually every youth against whom a charge is to be laid, the records of the Probation Service are examined to determine whether the youth is currently on Probation (or participating in a non-judicial program) or has had a non-judicial referral within the past year. As well these records contain an indication of all earlier charges of which the Probation Service is aware. Because in many instances, members of the Probation Service have acted as court clerks/recorders in rural and Winnipeg courts or were, in any event, nearly always present for each hearing, the Probation Services record-keeping system has recorded all the principle judicial decisions in each juvenile's case. For example, the records contain the charges and the dispositions. We observed summary youth records covering the past decade being verbally presented to a court prior to disposition. They could also be included as subjects in a written pre-disposition report.

Several police forces mentioned referring cases to the Probation Service - ostensibly for a decision respecting non-judicial processing - but also to be apprised of the youth's earlier record, if any, of which they may not otherwise become aware. For example, the police in Winnipeg indicated to us that they would have no easy mechanism, outside of the records of the Probation Service, to learn of prior involvements of a youth with the police in Brandon or Selkirk. However, with legal authorization to include on a central repository (eg. CPIC) the fingerprints of a youth committing indictable offences, the police now have another avenue to conduct checks on prior offences.[16]

The YOA implementation program also provides for the cost-sharing of the development of information systems. This may allow more comprehensive (in a sense of all agencies of justice) and more complete record-keeping systems to be developed in Manitoba.

In short, it seems that the Probation Service has maintained records not only to serve its own purposes, but also the purposes of the courts and the police. But other record-keeping systems are becoming available to the courts and the police, in recognition of the importance of their records to the functioning of the Justice System. Thus, the most complete records on a young offender no longer need be nor should be the responsibility of the Probation Service. Hence we recommend:

RECOMMENDATION No. 18: THAT the Department of Community Services adopt a position that it and the Department of the Attorney General, (directly through court services as well as indirectly through the police), share responsibility for record-keeping systems on young offenders; but THAT the Department of the Attorney General should have overall responsibility for record-keeping pertaining to the police and court records.

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[16] While these checks are limited to indictable offences, the province is left free to develop its own central repository for summary offences. In the opinion of one highly experienced RCMP Sargeant, these minors offences may not warrant a provincial repository.

Commentary: The intent of this recommendation is two-fold. On the one hand, it recognizes the systemic nature of the Criminal Justice System, and its record-keeping support. On the other hand, it recognizes that the Department of the Attorney General has the central role in terms of the police and the courts. This implies that record-keeping for these activities would be removed from the responsibility of the Probation Service, as soon as feasible, but certainly once new computerized information systems are available.

It may be possible, depending on how alternative measures programs work, for the Probation Service to keep a record of these involvements. However, it would also be feasible for the police to do so, and - in the event of the development of a province-wide computerized information system spanning various elements of the Criminal Justice System - perhaps records on alternative measures should join those also within the realm of responsibility of the Department of the Attorney General.

A number of steps may be taken now to ensure an orderly transition to a record-keeping system for which the Department of the Attorney General has principal responsibility. We therefore recommend:

RECOMMENDATION No. 19: THAT the Probation Service,

- apply the record-keeping provisions of the YOA (ss. 40-46)[17] to records collected on its Juvenile Delinquents Act; viz. the Probation Service would not report to a court in a verbal or a written PDR past offences which were not indictable (where a two year crime-free period has elapsed), or past offences which were indictable (where a five year crime-free period has elapsed);

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[17] Section 45(8).

- silence records of alternative measures (i.e. non-judicials); that is, in the spirit of the Young Offenders Act, prohibit records of alternative measures from being used in subsequent court processes.

Commentary: It should be noted that the records of alternative measures are not required to be silenced under the Young Offenders Act, so the recommended actions would be in the spirit rather than in the letter of the Act. At least one judge in Manitoba has indicated to us that he will not permit reference to prior non-judicials to form part of the court record in his Court. This position appears to be adopted under the rationale that non-judicials should be indeed non-judicials, as alternative measures to any formal court process. He suggested that, to include them in the formal court record, would obviate this intention. Under the recommendation, the approach for this judge would be elevated to a province-wide procedure.

b) Information Systems Development

The proposed integration of the Corrections Division and its support services could bring a welcome, parallel unity to information systems development in the Division. Today, an offender's Corrections records are not linked among the service branches. We believe that, regardless of the situation with respect to Young Offenders, Corrections should be undertaking to build coordinated (if not fully integrated) information systems among all its program areas (Adult Corrections, including the Winnipeg Remand Centre, Probation Services, and Juvenile Corrections). Furthermore the systems should be operational in nature (in the sense of supporting day-to-day activities), and not simply statistics-gathering.

The systems should also be offender-based in the sense of keeping track of the involvement of an offender over time. Therefore we recommend:

RECOMMENDATION No. 20: THAT the Corrections undertake to develop an operational, offender-based information system in the Division.

Commentary: Such systems as this have existed for almost a decade in other Canadian provinces. These provinces would no doubt be prepared to share their software and experience with Manitoba. The Canadian Centre for Justice Statistics, as well, has a program of providing financial support for the development of approved information systems.

By making the system offender based, long-term trends towards recidivism and other factors can be measured. Moreover, at the time of a subsequent reinvolvement the offender's previous status (for example, medical problems or abusive behaviour) can be brought to the attention of admitting staff, or supervising Probation Officers.

I. THE SIZE OF THE PROBATION SERVICE

I THE SIZE OF THE PROBATION SERVICE

One organizational question of central importance is the appropriate size of the Probation Service. During this consultation, we have reached the conclusion that the present complement of Probation is larger than necessary to discharge its duties. However, we have not established the precise number of positions which are surplus. Instead we have identified a number of factors - in some cases quantifying these - which we believe should be considered by the Department in downsizing Probation.

We also note that if new duties are assigned to Probation, such as contemplated by the Young Offenders Act, incremental resources may be justified.

Our reasons for concluding that the Probation Service should be reduced in size are as follows:

Firstly, we were informed almost unanimously by members of the Probation Service that the Young Offenders Act is significantly less Child Welfare-oriented legislation than the Juvenile Delinquents Act. This removes certain Child Welfare responsibilities from the Probation Service. According to members of Probation, withdrawal from these services began over the last number of years - in some instances in anticipation of the implementation of the Young Offenders Act, and in other instances for other reasons. Nonetheless, there is no evidence that the Probation Service had been gradually reduced in size as a result. The present situation offers a clear opportunity to take action as a result of the accumulating effect of recent and past service reductions. The specific indicators of this reduction in effort were:

a) Probation Officers had previously been present in court for every appearance of every juvenile. The estimate of this effort is:

  - Probation reported spending about 1,000 hours in court per month ("as per the requirements of the JDA"). This represents just over 10% of the available professional service.[18] This percentage estimate equals that provided by one Winnipeg Senior Probation Officer who estimated that the time spent by duty staff in court had declined from three days, to less than one day per week.[19] As well, another experienced Rural Senior Probation Officer suggested a decline of 10%.

b) The Probation Service has gradually withdrawn from placing and maintaining youth in foster homes and group homes. We were told that the active number of placements on any day (involving "screening, referrals, selecting resources, and monitoring progress") had dropped from 150 to 40 since 1978. At four hours per month per placement, the aggregate drop is from 600 to 160 hours of effort - representing 4½% of the monthly service time. In fact, one Rural Senior Probation Officer estimated that 10% of their time had been spent arranging foster home placements and related duties.

c) Certain stipulations of the Young Offenders Act have meant withdrawing from the traditional involvement of Probation Officers at the pre-court

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[18] In Table 1 we show 102.5 field Probation Officers. Sixty percent of this (the youth component) translates into 61 positions. At 160 hours per month per position, there are 9,700 total hours of service available per month.

[19] This office, with about 3 Youth Probation Officers, had experienced a decline of two staff-days per week representing (2/(3 x 5) = 2/15) or 13% of the effort.

> stage - this involvement included advocating for the youth during pre-trial detention, preparing pre-court reports and so on. A 24-hour on-call service was also maintained. These tasks, which may have constituted 5% of the workload, have been phased out.

In sum, our estimate of the aggregate workload decline due to these three factors alone ranges from over 15% to over 25%. To judge what a reduction of this size would mean, consider a comparison between Youth and Adult Services. Youth Services have traditionally been reported as requiring 50% more effort than Adult Services. (That is why there were 100 Probation staff serving youth but 68 staff serving adult probationers, while the respective probation supervision caseloads, for example, amounted to 1400 youth and 2200 adults.) The influence of the YOA on circumscribing the traditional roles of youth Probation Officers brings the Youth Services more in line with the court-ordered services to adults. Hence the extra effort on behalf of youth should decline. If it were to decline by the estimated 15-25%, then Youth Services would still benefit from a 15-25% enrichment over Adult Services.

Secondly, Probation has withdrawn within the past year from official youth escort services, i.e., transporting juveniles to/from courts, police cells, and the Manitoba Youth Centre, etc. Although the amount of effort involved is not available to us, it presumably could be determined as Probation has reported "excessive staff time was required".

Thirdly, Probation has withdrawn gradually from handling court services such as scheduling courts and other clerking duties. Probation Officers have ceased to "run" the docket and circuit courts. Once again the amount of effort has not been calculated; but it could be determined.

With the above 2 factors added to the earlier considerations, related to reducing Child Welfare-like duties, the aggregate reduction in effort could well approach 25-30%.

The fourth and final consideration to determining the size of the Probation Service is comparison with other jurisdictions. Such comparisons, to be sure, must be used with caution. Nonetheless, they may reveal ways in which acceptable economies have been achieved elsewhere in Canada. This is particularly relevant in a climate of restraint. Some of the problems with comparisons are minimized by restricting these to two other Prairie provinces, namely Saskatchewan and Alberta. Particularly in the case of Alberta, the cities are of similar size, and the provinces share a similar geography and demography.

Figures on the structure of the Probation Service in these two provinces are currently the subject of internal negotiations there, due to administrative reorganizations arising from the implementation of the Young Offenders Act. Nevertheless, it is clear from preliminary figures provided by senior officials in those jurisdictions, that the complements of Probation Services to 12-17 year-olds in these provinces will be about half the size of that of Manitoba, when measured on a per capita basis.[20]

In view of these factors, we recommend:

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20) It was argued that the calculations of this comparison should take into account adult services. By this measure, in Table 13 below, Manitoba, Saskatchewan and Alberta are not demonstrably different; so it remains, only in the area of services to Youth, that Manitoba is exceptional.

TABLE 13 ADULT PROBATION SERVICES 1982-83
MANITOBA, SASKATCHEWAN, ALBERTA

	Manitoba	Saskatchewan	Alberta
Probation Officers	47	66	168
Other Staff	21	22	Not comparable
Total Staff	68	88	Not comparable
Operating Expenditures ($000's)	$2,396	$2,786	Not comparable
Adult	743.2	723.2	1,727.1
Population	1,035.2	979.4	2,317.3
PO's per 100,000 adults	6.3	9.1	9.7
PO's per 100,000 persons	4.5	6.7	7.3

RECOMMENDATION No. 21: THAT the Department of Community Services, acknowledge that the Probation Service is larger than required relative to present and anticipated workload; and, the Department address this issue by the transfer of an initial block of 25-30 staff to other duties within the Department or to duties within the Department of the Attorney General. A continuing review should be maintained after this initial transfer with further reallocations to occur if later warranted.

Commentary: It should be emphasized and understood that we are not recommending lay-offs of Probation Officers, but transfers to other services.

We also believe whatever action is taken should begin within a timeframe compatible with the implementation of other proposals we are making. In this way, the renewal of Probation does not occur in a climate of further disruption.

As we have indicated, much of the reduction in Probation workload has been from Child Welfare-like activities. Therefore we would suggest the Department consider seriously transferring a number of the surplus positions to the Child and Family Services Division. In this case, the Child and Family Services Division may well wish to assign the incremental resources to:

- Carrying out the duties formerly performed by the Probation Service; and to

- Provide services to 16 and 17 year-olds (a group with which the Probation Officers would have considerable experience) -

instead of simply directing these positions to the general workloads around the province. The determination of which positions would be transferred should be negotiated between the Corrections Division and the Child and Family Services Division, and reflect local and regional considerations.

Among our suggestions for modifying the Youth Justice System were several that suggest an incresed role for the Crown in managing referrals to alternative measures, sending warning letters and, in sum, becoming more central to the process. In recognition of these increased duties, it may be appropriate to transfer some Probation Officers to the Crown Attorney's offices to assist in these duties. This may be an alternative with considerable career appeal to some Probation Officers.

Financial Considerations

The transfer of staff to Child Welfare duties has 2 direct financial benefits:

i) The salaries and other costs would immediately be cost-shared by the Canada Assistance Plan. Perhaps even retroactive cost-sharing could be negotiated. This would be approached on the basis that the functions previously performed - although organized under the Probation Service - had been traditionally Child Welfare functions, legislated through the Juvenile Delinquents Act. The benefits from the point of view of salaries alone (which may average about 80% of the total costs) are estimated in Table 14.

TABLE 14 - **Potential CAP Cost-Sharing of Salaries of Staff Transferred to Child Welfare Duties**

NO. OF TRANSFERS	SALARIES(1)	POTENTIAL COST-SHARING
10 - staff	$250,000	$125,000
20 - staff	$500,000	$250,000
30 - staff	$750,000	$375,000

ii) The size of the Probation Service in 1984 would decline. Therefore, the YOA cost-sharing formulae - which share new costs above a base-year - would be based on the contracted base-line. The future addition of any incremental positions, fulfilling purposes assigned by the Young Offenders Act, would then be incremented to that baseline. This could generate cost-sharing benefits such as those displayed in Table 15.

TABLE 15 - **Potential YOA Cost-Sharing of Salaries of Staff Performing New YOA-related Probation Duties**

NEW PROBATION STAFF	SALARIES	POTENTIAL[21] COST SHARING
10 - staff	$250,000	$125,000
15 - staff	$375,000	$188,000
20 - staff	$500,000	$250,000

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21) This extent of cost-sharing, if any, would depend on the detailed YOA cost-sharing negotiations now underway between Canada and Manitoba.

The argument was advanced that any staff changes should be "netted out"; thus instead of, say, transfering 20 positions to Child Welfare, and adding 20 new positions, via the YOA, to Probation, no transfers and addditions would occur. The implications of such an approach are considerable. First, cost-sharing of up to $250,000 through CAP for the 20 positions transferred to Child Welfare would be lost. Second, a possible loss of up to $250,000 in Young Offenders Act cost-sharing (for the 20 new positions) could be anticipated.

As well, balancing out the changes conceals the very different reasons for the decrease and the increase - each of which should be separately justified with appropriate resources. Moreover, by transferring staff out of, and injecting new staff into Probation, the new arrivals are likely to be less bound to conventional Probation practice; and perhaps more likely to subscribe to the new approaches visualized by the Young Offenders Act.

J. NEXT STEPS IN ORGANIZATIONAL DEVELOPMENT

1. Endorse and Legitimize the Philosophy
2. Revert Juvenile Corrections to the Corrections Division
3. Create a Central Support Service
4. Establish an Interim Management Committee
5. Downsize the Probation Service

J NEXT STEPS IN ORGANIZATIONAL DEVELOPMENT

It is our belief that the next steps in organizational development within the Corrections Division of Manitoba will be of considerable consequence. Firstly, these steps establish momentum and direction for this revitalization process. Secondly they include a number of clear improvements. Thirdly, by taking some steps immediately, a number of the important elements of change can be wrapped up. Finally, it is critical that political legitimization of this process occur in its early stages.

In order to provide leadership and analysis during these next stages, we suggest the Department convene an Implementation Group, chaired by the Assistant Deputy Minister of Corrections. This Group would include representation from Probation, Juvenile Corrections, Adult Corrections, Planning & Research, and Personnel. Among its first agenda items we propose the following 5 matters.

1. Endorse and Legitimize the Philosophy

As the first step in this process, analogous to that which the Minister took by writing to all her staff in January 1984, we propose that the Implementation Group draft a statement from the Minister to staff indicating the committment of government to a Corrections philosophy. This could be accompanied by an announcement of the selection of a general organizational option.

2. Revert Juvenile Corrections to the Corrections Division

This action should be planned by the Group and carried out expeditiously, to return the Juvenile Corrections Program to Corrections administration.

3. Create a Central Support Service

We propose that the formation of a central support service, and the appointment of an Acting Director, should be undertaken as soon as possible. Doing so provides a clear statement of the unity of Corrections.

4. Establish an Interim Management Committee

We propose that the Corrections Division establish an Interim Management Committee. This Committee may create various working groups to carry out our recommendations.

To support the work of this Committee, we would suggest the appointment of four Acting Community Corrections Regional Managers on an interim basis. These positions would be filled, prior to a full staffing action, by individuals chosen from Juvenile Corrections, and the Probation Service.

As well, the Acting Director of Support Services should be included. The membership of the Committee would be rounded out by the inclusion of the Director of Adult Corrections, and another representative of the Institutional programs.

Some of the issues that would be discussed by this Committee include:

- Refining the organizational details arising from this study, and preparing related job classifactions and descriptions for the new positions;

- With respect to the YOA, providing for the responsibilities of the Provincial Director to be assigned, and providing for a number of YOA-related tasks to be completed;

- Developing a communications strategy with respect to this reorganization; and

- Completing operational planning for 1985/86, as well as developing a strategic plan.

5. Downsize the Probation Service

We propose the Implementation Committee prepare a plan to accomplish this objective. This will involve consulting with the Child and Family Services Division, the Corrections Division, other divisions within the Department and the Department of the Attorney General.

CONCLUSION

With these tasks underway, the Department of Community Services will be embarking upon the substantial renewal not only of Probation but of the full Correctional Service. This offers the promise of creating a more just and efficient Corrections continuum, including a vibrant community-based service for the people of Manitoba.

APPENDIX 1

TERMS OF REFERENCE

MANITOBA

DEPUTY MINISTER OF COMMUNITY SERVICES AND CORRECTIONS

WINNIPEG, MANITOBA
R3C 0V8

June 13, 1984

Mr. Alfred Black, Chief
Juvenile Justice Program
Canadian Centre for Justice Statistics
Ottawa, Ontario
K1A 0T6

Dear Mr. Black:

RE: CONSULTATION ON THE ADMINISTRATIVE ORGANIZATION OF PROBATION SERVICES

As part of the recent government-wide reorganization in Manitoba, my department's mandate was focused on the provision of social and correctional services. Consequently, various changes to the department's structure were initiated in January 1984. These changes are being introduced in phases so as to ensure an orderly transition and to allow discussion and consultation with staff and other interested parties.

Of particular concern to me is the appropriate structure for delivering probate services to young offenders. As you know, probation must maintain professional ties to a host of agencies including judges, Crown counsel, the police, correctional institutions and family and children's services among others. Moreover at the present time, the department is in the process of enhancing community-based services under the terms of the Young Offenders Act.

Under these circumstances, I am asking that you undertake a full consultation with the following terms of reference.

Terms of Reference

1. To determine and assess the views of:
   a) probation officers, senior probation officers, and the management of the probation services;
   b) other affected departmental staff including those responsible for other correctional services, juvenile institutions, family and children's services, and community services;

... 2

c) other persons including the judiciary, members of the police community, Crown counsel, defence counsel, private agencies, court administrators, the M.G.E.A. and so on,

with respect to various organizational alternatives, and the implications of these options with respect to the departmental mandate, as well as with respect to program delivery, and resources;

2. To gather and analyze related support material, including case files, documents, reports and statistics;

3. To communicate your findings and conclusions to me so that the merits and disadvantages of various alternatives, the means of making a transition to these alternatives, and their relationship to the current structures are indicated; and

4. To report before July 31, 1984.

I look forward to your completing this important step in the organizational development process of the department.

Yours sincerely

Michael Mendelson.

Michael Mendelson

cc: Honourable M. Smith
Senior Staff
W. Scarth
J. Bakken

APPENDIX 2

LIST OF PERSONS INVOLVED IN CONSULTATION

Appendix 2

List of Persons Involved in Consultation

		#
A.	Probation Officers	64*
B.	Senior Probation Officers	15
C.	Corrections and Probation Management	7
D.	Probation Directorate	10
E.	Judges	5
F.	Crown Counsel	5
G.	Police	9
H.	Court Administrators	3
I.	Child and Family Services	13
J.	Other Manitoba Inverviews	4
K.	Interviews in Other Provinces	10
	TOTAL	145

* includes 12 written submissions

A. PROBATION OFFICERS:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
ADAMCHUK, Gary	Probation Officer	Beattie	June 20
ALFRED, Norma	Probation Officer	Beattie	June 19
APRIL, Maurice	Probation Officer	Beattie	June 19
APTER, Brent	Probation Officer	Black	June 20
ARNAUD, Flo	Probation Officer	Beattie	June 20
BACH, Doreen	Probation Officer	Black	June 20
BARKWELL, Nancy	Group Worker	Beattie	June 21
BOOMER, Ann	Group Worker	Beattie	June 21
BUDDE, Robert	Probation Officer	Black	June 20
BURROWS, Brian	Probation Officer	(written input)	June 27
CHENEY, Murray	Senior Worker	Beattie	June 21
CHURLEY, Joan	Probation Officer	Black	June 25
COLES, Ron	Probation Officer	Black	June 28
DONALD, Brenda	Probation Officer	Black	June 26
ENGLISH, Joanne	Probation Officer	Black	June 26
GALLAGHER, Brent	Probation Officer	Black	June 15
GISLASON, Barbara	Probation Officer	Black	June 27
GOULET, Louis	Probation Officer	Black	June 26
HARPER, Louis	Probation Worker	Beattie	June 20
HECTOR, Ronald	Case Manager	Beattie	June 21
HJORLEIFSON, Clove	Probation Officer	Black	June 28
HRYNICK, Dan	Probation Officer	Black	June 15
HUNT, Brian	Probation Officer	Beattie	June 19
HUNTER, Robert	Probation Officer	Black	June 26
JACKSON, Linda	Probation Worker	Black	June 25
KERR, Susan	Probation Officer	Black	June 27
KILFOYLE, Donald	Probation Officer	Beattie/Black	June 14
KIRBY, Bernard	Probation Officer	Beattie/Black	June 14
LAFONTAINE, Linda	Probation Officer	Black	June 15
LAFONTAINE, Sandra	Probation Worker	Beattie	June 20
LAPENSEE, Simon	Probation Officer	Beattie	June 20
LOBUCK, Raymond	Probation Officer	Beattie/Black	June 14
MARION, Claire	Cour Liaison Officer	Beattie/Black	June 14
MCFIE, Joanne	Probation Officer	Beattie	June 28
MCKAY, John	Probation Officer	Beattie	June 19
MESZAROS, Peter	Probation Officer	Beattie	June 19
MORDEN, Brian	Probation Officer	Black	June 15
NELSON, Linda	Probation Officer	Beattie	June 25
NEWTON, Fran	Probation Worker	Black	June 27
NORLANDER, Earl	Screener	Beattie/Black	June 14
ONYSKO, Robert	Probation Officer	Black	June 25
PALMER, Sherrie	Probation Officer (term)	(written input)	July 6
PRYMAK, Maria	Probation Officer	Black	June 27
ROBSON, Jan	Probation Officer	Black	June 20
RYAN, William	Probation Officer	Beattie	June 28
SANDOR, James	Probation Officer	Beattie	June 19
SAUNDERS, Fred	Probation Officer	Black	June 20
SEDO, William	Probation Officer	Beattie	June 21

A. PROBATION OFFICERS CONT'D:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
SHALEY, Robert	Probation Officer	Black	June 27
SIMCOE, Robert	Probation Officer	Beattie	June 20
SMITH, Penny	Probation Officer	Black	June 27
SUNDE, Linda	Probation Officer	Beattie	June 26
TESTAR, Brian	Probation Officer	Beattie	June 21

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* In Addition, there were 10 questionnaires submitted by probation officers who did not identify themselves, and 3 secretaries interviewed.

B. SENIOR PROBATION OFFICERS:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
ANDERSON, Bert	S.P.O., N.W District,Winnipeg	Black	June 27
ARMSTRONG, Mel	S.P.O., Central Region	Beattie	June 28
BARKWELL, Lawrence	S.P.O., Central Winnipeg One	Beattie	June 15
BIEBER, Ben	S.P.O., S.W. District (In Take)	Beattie/Black	June 14
GORDON, Glen	S.P.O., Thompson Region	Black	June 19
GRINDEY, Marston	S.P.O., Westman Region	Black	June 26
KOTYK, Milton	S.P.O., Eastman Region	Beattie	June 18
LAFOND, Denis	S.P.O., Parkland Region	Black	June 25
LUTZ, Erwin	S.P.O. Interlake Region	Beattie	June 19
MARTIN, Ken	S.P.O., N.E. District, Winnipeg	Beattie	June 27
MATHIESON, Don	A/S.P.O., Central Winnipeg Two	Beattie/Black	June 15
PRITCHARD, Gib	S.P.O., W. District, Winnipeg	Black	June 28
SHORR, Henry	S.P.O., Norman Region	Beattie	June 25
STEWART, Hugh	S.P.O. S.E. District Winnipeg	Beattie	June 19
THOMPSON, Marcia	S.P.O., Remand/ Attendance Centre	Black	June 21

C. CORRECTIONS AND PROBATION MANAGEMENT:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
BAKKEN, John	Superintendent of MYC	Black	Various
BOCK, John	A.D.M. of Corrections	Black	June 13
DRAGAN, Jerry	Acting Director of Adult Corrections	Black	June 27
FRANKEL, Sid	Senior Analyst, Research & Planning	Black	June 8
LEVEILLE, Paul	Assistant Director of Probation Services	Black	June 7
PURA, Gerarda	Coordination Staff Training, Juvenile Corrections	Black	June 6
SCARTH, Wayne	Acting Director of Probation Services	Black	June 7

D. PROBATION DIRECTORATE:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
DOJACK, Bob	Manager of the Fine Option Program	Black	July 19
GLASSCO, Leon	Fine Option Program Coordinator	Black	July 19
HAMMOND, Myrna	Secretary	Black	July 19
HARTRY, Reid	Fine Option Program Coordinator (Eastman)	Black	July 19
HILLDITCH, Laurie	Admin. for Fine Option Program	Black	July 19
KOPSTEIN, Jean	Coordinator of Staff Development	Black	July 19
MYSKO, Karen	Secretary	Black	July 19
PARKINSON, Ron	Coordinator of Offender Clarification	Black	July 19
PIDSKALNY, Maureen	Admin. Assistant	Black	July 19
RUNZER, Alice	Accounting Clerk	Black	July 19

E. JUDGES:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
GIESBRECHT, Brian	Judge of the Prov. Ct.	Black	June 26
GYLES, Harold ff	Chief Judge, Prov.Ct.	Beattie/Black	June 14
KIMELMAN, Edwin	Assoc. Chief Judge, Prov. Ct. (Family Division)	Black	July 5
MARTIN	Judge of the Prov.Ct.	Beattie	June 26
SMITH, Frank (Informal)	Judge of the Prov. Ct.	Black	June 19

F. CROWN COUNSEL:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
COLLI, Brian (informal)	Crown Attorney		
DUTCHIN, Dan	Crown Attorney	Beattie	June 26
GUY, John	Director of Prosecutions	Beattie/Black	June 13
KEE, Les	Senior Crown Attorney	Black	July 17
SELLICK, Elizbeth	Crown Attorney, Youth Court	Black	July 6

G. POLICE:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
BOWER, David	Sgt. RCMP, Beausejour	Beattie	June 20
DUNCAN, Keith	S/Sgt. WPD Division "D"	Black	July 5
GIEREK, Roman	S/Sgt. WPD	Black	July 5
GREGOIRE, Godfrey	Cpl., RCMP, Dauphin	Black	June 25
HEINTZ, Bill	Inspector, WPD, Juvenile Division	Black	July 5
LARSEN, Ore	S/Sgt. RCMP, The Pas (Rural)	Beattie	June 26
MOORLAG, Hank	S/Sgt. RCMP, Thompson	Black	June 20
ZAZULAK, Ron	Cpl. RCMP, The Pas (Rural)	Beattie	June 26

H. COURT ADMINISTRATORS:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
BRUCE, Maurin	Administrator of Court Services	Beattie/Black	June 13
FLATTERY, Wallace	Deputy Administrator of Court Services	Beattie/Black	June 13
SHARKEY, Ed	Clerk of the Court	Black	June 18

I. CHILD AND FAMILY SERVICES:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
ALCOCK, Roy	Director of Child and Family Services	Black	June 8
CARBERRY, Tom	Coordinator Child and Family Services (Thompson)	Black	June 20
DUBRAY, James	Director, CAS (Central)	Beattie	June 28

I. CHILD AND FAMILY SERVICES CONT'D:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
FENWICK, Ron	Regional Director, Child and Family Services (Thompson)	Black	June 20
FIELDS, Trady	Coordinator, Child and Family Services (Thompson)	Black	June 20
GOODMAN, Phil	Program Coordinator, Social Services (Thompson)	Black	June 20
KARPAN, John	Regional Director, Child and Family Services (The Pas)	Beattie	June 26
ROBSON, John	Regional Director, Child and Family Services, (Central)	Beattie	June 28
ROSS, John	Executive Director of Operations, Commuity Social Services Division	Black	June 21
STRANG, M.	Supervisor of Child and Family Services (Dauphin)	Black	June 25
SUSS, Gerhard	Regional Director, Health and Community Services (Beausejour)	Beattie	June 18
TURNBULL, Aleda	A.D.M. of Child and Family Services	Black	June 8
UNFRIED, Bruce	Area Director, Health and Community Services (The Pas)	Beattie	June 26

J. OTHER MANITOBA INTERVIEWS:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
DOER, Gary	Executive Direct, Man. Government Employees Assoc.	Black	July 12
DUNN, Bill	Manitoba Legal Aid	Black	July 10
FRANKEL, Sid	Senior Analyst, Research & Planning	Black	June 8
KLASSEN, Ron	Manitoba Legal Aid	Black	July 10
SHUBERT, Saul	Acting Deputy Minister of Housing and Reconstruction	Black	June 7

K. INTERVIEWS IN OTHER PROVINCES:

NAME	TITLE	INTERVIEWER	DATE OF INTERVIEW
BHATTI, Aslam	Manager of Financial Planning, Alberta Dept. of the Solicitor General	Black	July 11
BRANT, Andy	S/Sgt. Regina PD, Youth Division	Black Bakken, Scarth	July 3
GRAHAM, W.G.	Inspector, Regina P.D.	Black Bakken, Scarth	July 3
KING, Bob	ADM of Corrections, Alberta Solicitor General	Black	July 7
LEBLANC, Rheal	Deputy Solicitor General Gov't of Alberta	Black	July 7
LYONS, Denis	Director of Youth Services, Sask. Dept. of Social Services	Black Bakken, Scarth	July 3
PASLOSKE, Chris	Coordinator of Youth Services, Sask. Dept. of Youth Services,	Black Bakken, Scarth	July 3
SPELLISCY, Richard	Manager of Community Services, Corrections Branch, Sask. Dept. of Justice	Black Bakken, Scarth	July 3
STICKLAND, Tom	Director of Youth Services Sask. Dept. of Social Services	Black Bakken, Scarth	July 3
THOMPSON, Terry	Executive Director, Corrections Branch, Sask. Dept. of Justice	Black Bakken, Scarth	July 3

APPENDIX 3

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APPENDIX 4

MINISTERIAL LETTER TO ALL STAFF, JANUARY 1984

MANITOBA

MINISTER OF COMMUNITY SERVICES AND CORRECTIONS

WINNIPEG, MANITOBA
R3C 0V8

January 19, 1984

TO: ALL STAFF

As a new Minister of Community Services and Corrections, I have not yet had an opportunity to meet all of the staff of our Department. However, among the many staff I have met, I have been very impressed with the sense of dedication and the willingness of our public employees to work hard for our clients and for Manitobans in general. In this new year I intend to visit many of our Department's operating divisions and I am looking forward to meeting you at that time.

As you are probably aware, in November, Premier Howard Pawley announced a reorganization of government departments. As a result, our Department now has primary responsibility for the delivery of social services to Manitobans.

To carry out this mission more effectively and to strengthen our capacity to meet the needs of Manitobans for human services, a reorganization of the Department of Community Services and Corrections has been initiated.

The reorganization will take palce in two phases: Stage 1, effective January 23, 1984; and Stage 2, July 1984. By phasing the changes, we will be able to ensure a smooth and effective transition so that our services to clients and agencies are not disrupted, and so that consultation and discussion with staff can take place.

As a result of the restructuring, there will be four divisions in our Department:

1. Child and Family Services - responsible for all child and family related support services and programs.
2. Community Social Services - responsible for services to adults who require support beyond financial assistance, and for operational administration of Field operations.

...2

3. Administrative and Financial Services - responsible for management services as well as residential group home licensing.

4. Corrections - responsible for all adult institutional and community alternative programming.

Stage 1 is effective January 23, 1984, and will see the following divisional responsibilities:

Child and Family Services

- Child Welfare Directorate
- Juvenile Correctional Institutions (Agassiz, The Manitoba Youth Centre)
- Child Day Care

Community Social Services

- Rehabilitation Services
- Mental Retardation Services
- Community Service Operations (Field)
- External Agencies

Administrative and Financial Services

- Office of Vital Statistics
- Residential Standards and Licencing
- Personnel Management Services
- Budgetary and Cost-Sharing Services
- Operational Support Services

Corrections

- Adult Corrections
- Probations (Juvenile and Adult) Community Corrections

The main thrust of the reorganization will be to move closer to a generic concept for public services. The mandating of the division of Child and Family Services, to be responsible for all services aimed at child and family support, is therefore a cornerstone of the reorganization. The resulting improved coordination between child welfare,

...3

day care and juvenile corrections will provide more coherent child and family support. This does not, however, represent an attempt to move towards generic child workers. Probation and child welfare workers will remain separate from each other with their defined specialities. The inclusion of our children's mental retardation program offers the opportunity for further coordination. Overall, I believe the development of a more equitable, humane and community based prevention oriented approach to the problems of children and their families will result.

The Corrections Division will ultimately be responsible for adult corrections institutions and community programs. The division of adult and juvenile corrections will take place only after careful planning and consultation so that all affected staff will have an opportunity to voice their suggestions and concerns.

In July, under Stage 2, division responsibilities will be:

Child and Family Services

- Child Welfare
- Juvenile Corrections
  - Institutions
  - Probations
- Day Care
- Children's Mental Retardation
- Other child related programs

Community Social Services

- Rehabilitation Services
- Adult Mental Retardation Services
- Community Service Operations (Field)
- External Agencies

Administrative and Financial Services - unchanged

...4

Adult Corrections

- Institutions
- Probations, Community

The reorganization accomplishes several objectives. These include balancing the workload among departmental divisions and establishing an administrative basis to develop generic programming. Further, these changes put into place a management framework which will enable us to meet the priorities set for our Department by Cabinet; namely, the strengthening of child and family services, improvement of the corrections system and the fuller integration of some of our mentally handicapped population into the community.

Along with this reorganization, I have directed senior management to develop an open management style which encourages a process of participation by all staff in the planning and development of policies, programs and services. Your management will be available to brief you more fully on the reorganization.

The coming years hold many challenges for us in the delivery of human services to the people of Manitoba. I believe that this reorganization will provide an administrative support to enable us to deliver our services more effectively.

Your efforts in providing Manitobans with these important services and your participation in their further development is greatly valued by myself and our government. I know I can count on all of you to continue your sincere and devoted service to our clients and to meet the challenges before us.

Yours sincerely,

Muriel Smith

Muriel Smith

APPENDIX 5

SCREENING CRITERIA FOR NON-JUDICIAL PROCESSING

Subject : SCREENING FOR THE USE OF ALTERNATIVES TO COURT PROCEEDINGS

OBJECTIVE

To use measures other than judicial proceedings to deal with a young person when consistent with the needs of the young person and the interests of society.

STANDARDS

Delegation of authority

1 The Attorney General has delegated responsibility for the use of alternative measures to the Probation Service subject to :

1 - 1 The criteria and proceedings specified in this manual and

1 - 2 Specific instructions that may be issued from time to time by the Senior Crown Attorney, Youth Prosecutions.

Screening police referrals

2 The regional office to which a referral is assigned notifies the police within two weeks whether the referral meets the criteria set out in the following standards :

2 - 1 The Intake and South West Winnipeg Unit does this for Winnipeg district offices,

2 - 2 The Notification to Police Department Form MG-9904 is normally used.

General criteria

3 Alternative measures are not used if :

3 - 1 The young person is currently on supervised or unsupervised probation or under committal to an institution,

3 - 2 The alleged offence is impaired driving or refusing a breathalizer or

3 - 3 The alleged offence is against a provincial statute or municipal by-law.

Prior record

4 Alternative measures are not used if there is a record of the young person having committed any offences during the twelve months prior to the alleged offence :

4 - 1 For the purposes of this standard, the record does not include referrals of persons under twelve years of age to child welfare authorities, nor offences under provincial statutes or municipal by-laws but

4 - 2 The record does include offences for which alternative measures were used, and offences for which the young person attended a police voluntary class.

Authorization by crown attorney

5 Alternative measures are used only if the crown attorney provides written authorization, including where applicable instructions for the release, confiscation or destruction of weapons and other exhibits, if :

5 - 1 There is reason to doubt that there is sufficient evidence to support a charge,

5 - 2 The alleged offence involves violence, personal injury, weapons or a potentially dangerous situation, for example, fire setting or bomb threats,

5 - 3 The total of unrecovered loss or damage estimated in the police reports for all charges combined exceeds $500,

5 - 4 The alleged offence involves very unusual or bizarre behaviour or

5 - 5 The alleged offence is impersonating a peace officer.

Federal offences

6 The federal crown attorney is consulted and written authorization obtained before alternative measures are used for alleged offences against the Narcotic Control Act or other federal legislation except the Criminal Code.

Stay of proceedings

7 Alternative measures are used if the crown attorney provides written authorization specifying that a stay of proceedings has been entered and that there is sufficient evidence to proceed, provided that :

- 7 - 1 The young person accepts responsibility and fully and freely consents, and
- 7 - 2 The other criteria for the use of alternative measures are met.

RELATED STANDARDS

160	Assignment of referrals to district and regional offices
610	Children under twelve years of age
615	Alternative measures proceedings

APPENDIX 7

PROFILE OF YOUTHS COMMITTED TO OPEN CUSTODY

(APRIL 2 - JULY 11, 1984)

[redacted]PROFILE [redacted]F Y[redacted]S C[redacted]TTE[redacted]O O[redacted] CUS[redacted] ([redacted] 2[redacted] to [redacted] 1[redacted])

Youth's Sentence	Sex	Age	Court	Offences	Prior Record	Other Significant Factors
• 12 months	M	13	Winnipeg	Theft Over	1982-83 Set Fire to Substance (2), Break, Enter & Theft (5), Possess Goods, Assault, Robbery	- forensic report recommended placement Knowles, psychotherapy, ongoing probat - child abuse allegation surfaced since custody order/referred to Child Welfar services - pre-disposition report was not ordered prior to custody disposition.
• 12 months	M	16	Norway House	Theft Under Possess Goods	1983 Assault (2), Break, Enter & Theft (3), Theft (2)	- prior committals by order of J.D.A. to Director of Child Welfare - child welfare involvement - prior placements by Child Welfare (3 group homes, foster homes in north) - probation report recommended secure custody - history of alcohol abuse and sniffing emotional problems
• 12 months	M	15	Winnipeg	Forgery, Theft Over Theft Under Break, Enter & Theft Possess Goods	1982-83 Theft Under (4), Break, Enter & Theft, Auto Theft	- permanent ward since 1978 - placement by Child Welfare at Sir Hug John Hostel prior to custody order - numerous prior placements to group an foster homes - prior involvement with Youth Psychiat Services
• 2 months	M	16	Brandon	Break & Enter Theft Under (2) Theft Over (3)	1983 Theft Over, Theft Under	- pre-disposition report supported plan for probation - prior community work order disposition
• 6 months	F	16	Winnipeg	Assault Cause Bodily Harm	1983 Armed Robbery	- involvement with Child and Family Services since 1980 - numerous group home, Seven Oaks and Marymound placements.
• 24 months	F	14	God's Lake	[illegible]	1983-84 Wilful Damage (2) Mischief (3)	- history of child abuse in family and referrals to Child and Family Service

•	3 months	M	14	Winnipeg	Theft Under (11) Attempt Theft Under (3)		- prior group home placement by Child a Family Services in 1983.
•	18 months	M	15	Winnipeg	Robbery, Break, Enter & Theft (2) Possess Weapon	Prior non-judicial in 1982	- family has history of Child and Fami Services involvement, prior placemen (1974-75)
'.	9 months	M	16	Winnipeg	Break, Enter & Theft (2) Possess Auto	1980-83 Theft Under (4), Theft Over (2), Break, Enter & Theft Possess Goods (3) Conspire to Break & Enter	- on probation since 1981 - also prior committal to Director of Child Welfare under J.D.A. - prior group home placement by Child Family Services.
).	24 months	M	17	Thompson	Theft Mischief	1982-83 Break, Enter & Theft (11), Wilfully Set Fire Wilful Damage Unlawfully Enter Break, Enter w/Intent	- two prior committals to Agassiz Cent for Youth
l.	24 months	M	12	Thompson	Theft Under (6)	1980-83 Break, Enter & Theft (4), Theft Under (5), Theft Over (3)	- all prior delinquencies referred to Child and Family Services - history of Child and Family involve since 1977 - court indicated interest in treatme school placement for youth - prior Children's Home and support f home placements.
?.	24 months *Appeal Court quashed custody order July 11, 1984	F	17	Winnipeg	Theft Under	1982-83 Theft Under (2), Wilful Damage Possess Weapon	- pre-disposition report recommended for probation supervision - youth is pregnant, long history of family problems.
1.	6 months	M	14	Winnipeg	Assault	1984 Possess Dangerous Weapon (Referral to Child Welfare for under 12 involvements)	- family involvement with Child and F Services - worker recommended foster home placement.

APPENDIX 8

THE CHARGING PROCESS FOR JUVENILE OR YOUNG OFFENDERS

Because the charging process is central to the formal involvement of a young offender or juvenile with the Justice System, this section contains a description of the current practices. Some innacurracies may remain because, while this description was being prepared, procedures were undergoing revisions brought about by the Young Offenders Act.

a) Winnipeg

Following the apprehension of a youth, either in response to a complaint or when observed by an officer, he - or she - is generally driven to the local district police station. If the youth is a child under 12 or if the offence is very minor, he is cautioned and turned over to a responsible adult or older sibling. (He may be held for several hours in lock-up, until a parent is found, where it is not felt to be appropriate to use the Manitoba Youth Centre as a place of shelter.) From the local station, the officer will contact the duty Sargeant at the Youth Division, who decides whether detention, or a statement that a summons may be issued, or an appearance notice is called for - depending on records of prior contacts maintained in the Division. This decision may depend upon the time since the last contact, whether the youth is from out of town, or whether the offence is "serious".

Where detention appears to be called for, or where the offence is considered serious, the youth is fingerprinted and photographed (or an appointment made for fingerprinting, etc.), and a check made on the youth's record through CPIC. Fingerprinting etc, is not done for all indictable or dual offences (in fact, it was reported that the FPS number was requested in only about 15% of cases).

The overnight police reports on every incident are reviewed by a Sargeant/Reader in the morning. If it appears the youth meets the (rather strict) criteria for the voluntary classes operated under the auspices of the Winnipeg Police Department, the Sargeant will mark this on the report, and refer the report to the Probation Intake Officer. All other reports are also forwarded to the Probation Intake Officer - these cover a wide range of situations from cases where detention is not believed to be required, but where a charge is very likely, to cases where restitution by the youth or parents would suffice.

Not Detained

Where the youth has not been detained, the Probation Intake Officer for Winnipeg has the reports referred to Probation Service's Central Records (Winnipeg). If the report is returned with a notation of the name of a current Probation Officer, the youth fails the non-judicial criteria, as he is already on probation. If the report is returned from Records indicating an involvement with the Justice system within the past year, the youth also fails the non-judicial criteria. Otherwise, the non-judicial decision depends on the type of charge - in this case, some consultation with the Crown may occur; although driving while impaired, auto thefts, drug offences, and most weapons offences all result in a charge being laid. In all cases where a charge is to be laid, the report is forwarded through the Winnipeg Police Department Court Relations Officer to the Clerk of the Court, who swears the information and places the case on a docket.

Despite a charge being laid, the Crown may subsequently decide to stay the charge at one of several hearings. These cases are returned to the Intake Officer for further non-judicial handling.

The criteria for non-judicial processing as they appear in the Probation Services Manual are included as Appendix 5.

Where the decision is made to proceed non-judicially, and where an appearance notice has been issued (rather than the youth being informed that he may be summonsed), the Intake Officer contacts the accused or his family and arranges for the youth and/or his family to meet the assigned Probation Officer. At the same time, the detective is informed so that the case is removed from the docket. The Probation Officer prepares a brief report, may arrange restitution, or may arrange for the involvement of a Juvenile Justice Committee. Thereafter the police file is closed.

Detained

In terms of assessing the amount of detention in Winnipeg, the records of the Manitoba Youth Centre reveal that 2,423 children were admitted to the Youth Centre under escort of the Winnipeg Police Department. This includes 1,921 boys (80%) and 502 girls (20%). Although Winnipeg only represents about 55% of the Manitoba population, perhaps understandably children from Winnipeg are over-represented in the province's only detention facility. In fact, admissions from Winnipeg represent somewhat more than 5/6 of the total. In addition, among the detentions from Winnipeg, are 1,032 instances where the offence was recorded as a Property Offence (or 40% of the total); and 782 where the offence was recorded as being Against Self (which includes the Liquor Control Act, the Narcotics Control Act, the Food and Drug Act, and Sexual Immorality; or nearly 1/3 of the total).

Where the youth has been detained, perhaps for reasons relating to the absence of a parent or parenting service, the Manitoba Youth Centre includes his name on a list of admitted youths sent each morning to Probation Central Records. There the file numbers of any "priors" are noted, or the names of the current Probation Officer inscribed. If the Probation Officer is located in Winnipeg, he/she is contacted so as to be able to attend a bail hearing that afternoon. If the Probation Officer is located outside Winnipeg, he/she will be contacted, and in turn may contact other agencies such as the local child and family service agency, regarding the youth's circumstances. These circumstances, the Intake Officer will then report to the court. At the bail hearing, the youth may be released to a responsible adult or on his own recognizance.

b) Rural Manitoba

The following description is a composite of procedures in various communities.

When a youth is apprehended, the police officer is free to exercise some discretion; in at least one community youths under 14 are frequently warned. In cases where the child is under 12, a referral to the child welfare agency is made; in some cases where the youth is over 12, but where the family is known to the police to be experiencing problems, a referral to a child welfare agency may also be undertaken. Where discretion is not excercised, the police officer may take the youth home and, following an interview with the parents, prepare a police report which is then referred to a Probation Officer. This report will incorporate a recommendation on whether a judicial or non-judicial proceeding is indicated. In Criminal Code cases, we were informed, referral to a Probation Officer is almost automatic. (In the cases of violation or provincial statutes, the police often proceed directly to lay a charge.) Even in cases where the police officer has exercised discretion, the report he prepares, recording this, may be referred to Probation Services. (The Brandon Police Department policy on this matter appears in Appendix 5).

Following referral to probation, the Probation Officer applies the non-judicial screening criteria. Where a non-judicial proceeding is indicated, or where an appearance notice has already been issued, the Crown and the police are so notified and the case removed from the docket. The police at this juncture will often conclude their file.

Detained

Where detention at the Manitoba Youth Centre (MYC) appears to be required, the youth is escorted to the Centre. He may be held there longer than a similar Winnipeg youth, so that the charges may be transmitted to Winnipeg. Among the 2,934 admissions to the Youth Centre recorded in 1983, about 595 (1/6 of the total detainees; comprising 530 boys - or 90% and 65 girls - or 10% of the total) involve youth from beyond the Winnipeg area. This disproportionately lower from Winnipeg than the non-Winnipeg.

In instances of detention, the Winnipeg Intake Officer observes the youth's name on the MYC Overnight Case List, and arranges for a check against Probation Central Records to be carried out. Contact is then made with any rural Probation Officer, currently involved with the youth. Information made available by this Probation Officer will then be relayed to the court through the Winnipeg Intake Officer.

Where a youth, apprehended by non-Winnipeg police, resides in a facility in Winnipeg (e.g. Children's Home), the outstanding charges are referred to Winnipeg for disposition.

APPENDIX 9

LONG RANGE PLANNING PROCESSES

In order to ensure that the Corrections philosophy and mandate are not dead letters, there must exist a long term commitment to a process of renewal. The development of a long range plan is intended to assure both bureaucratic and political commitment to the mandate, initiatives, and resources required to provide programs and support systems.

In a service like Corrections, many of the operational changes require a commitment to staff and capital expenditures over extended periods. Thus, the Correctional system cannot be reorganized and reformed without a political commitment to long range objectives.

However, the long range plan involves both short-term and long-term commitments. The lack of organizational stability and the numerous structural changes which have affected Manitoba Corrections in the immediate past are evidence of the disadvantage associated with the attempt to manage a major government service without attention to long range implications.

Issues that could be attended to in such a plan include:

a) Short Term Issues

- The development of staff training programs, particularly at the management level, to reinforce and promote the management style desired;
- Personnel decisions in specific categories of operational responsibility, primarily at the supervisory level;
- The resolution of key "systems" decisions (e.g. the nature of regionalization and integration, the nature of community involvement); and
- The development of standards of practice.

b) Long Term Issues

- Personnel decisions in broad categories (review of personnel classification systems, employment criteria, staff development requirements);
- Facilities Development;
- The development of models for inter-agency coordination; and
- Attention to issues involving non-government organizations and interests (natives, community councils).

The planning **process** is clearly as important as the planning **result.** Depending on the philosophy and principles which have been agreed to, the planning process will need to be properly directed by the management of Corrections. It will need to involve participation by all appropriate government agencies. If private agency participation, and community involvement is considered desirable, it would be important to have representation from this sector in the planning process as well. It is probably essential that some representation from the courts be included and, given the nature of Corrections, the government agencies responsible for financial approvals and facilities development.

The planning process can become a useful vehicle for staff development andcompetent personnel ought to be identified from the "ranks" to participate in a planning process.

APPENDIX 10

MANITOBA PROBATION SERVICES: CENTRAL STATISTICAL FEATURES OF THE CASELOADS OF PROBATION SERVICES 1977 TO 1983

APPENDIX 10

TABLE A1- **Manitoba Probation Services: Central Statistical Features of the Caseloads of Probation Services 1977 to 1983**

ASSESSMENTS	ADULTS WINNIPEG	ADULTS RURAL	ADULTS TOTAL	JUVENILES WINNIPEG	JUVENILES RURAL	JUVENILES TOTAL	TOTAL WINNIPEG	TOTAL RURAL	TOTAL TOTAL
1977	580 -11%	675	1,255	4,331	2,991	7,322	4,911	3,666	8,577
1978 % Change	657 +13%	767 +14%	1,424 +12%	4,545 +5%	3,143 +5%	7,688 +5%	5,202 +6%	3,910 +6%	9,112 +6%
1979 % Change	585 -11%	662 -14%	1,247 -12%	3,756 -17%	2,630 -16%	6,386 -17%	4,341 -17%	3,292 -16%	7,633 -16%
1980 % Change	573 +2%	650 -2%	1,223 -2%	4,204 +12%	2,820 +7%	7,024 +9%	4,777 +9%	3,470 +5%	8,247 +7%
1981 % Change	582 +2%	569 -12%	1,151 -6%	3,956 -6%	2,181 -23%	6,137 -13%	4,538 -5%	2,750 -21%	7,288 -12%
1982 % Change	706 +4%	581 +2%	1,287 +11%	3,586 -9%	2,061 -6%	5,647 -8%	4,292 -5%	2,642 -4%	6,934 -5%
1983 % Change	889 +21%	688 +16%	1,577 +18%	3,419 -4%	1,927 -7%	5,346 -5%	4,308 +0.4%	2,615 -1%	6,923 -0.2%
CASELOAD (SUPERVISION)									
1977	994	620	1,614	787	880	1,667	1,781	1,500	3,281
1978 % Change	990 -0.4%	710 +15%	1,700 +5%	670 -15%	831 -6%	1,501 -10%	1,660 -7%	1,541 +3%	3,201 -2%
1979	993	695	1,688	590	712	1,302	1,583	1,407	2,990
1980 % Change	1,015 +22%	544 -7%	1,659 -2%	621 +5%	709 -0.4%	1,330 +2%	1,636 +3%	1,353 -4%	2,898 -0.1%
1981 % Change	1,105 +9%	588 -9%	1,693 +2%	610 -2%	800 +13%	1,410 +6%	1,715 +5%	1,388 +3%	3,103 +4%
1982 % Change	1,231 +11%	565 -4%	1,796 +6%	642 +5%	778 -3%	1,420 +1%	1,873 +8%	1,343 -3%	3,216 +4%
1983 % Change	1,487 +17%	685 +18%	2,172 +17%	701 +9%	740 -5%	1,441 +17%	2,188 +14%	1,425 +6%	3,613 +11%

Source: Probation Services Annual Statistical Consolidations

APPENDIX 11

JUVENILES CLEARED BY CHARGE BY THE POLICE FOR CRIMINAL CODE OFFENCES, SELECTED POLICE JURISDICTIONS, CANADA, MAY 1983 AND 1984

APPENDIX 11

Juveniles Cleared by Charge by the Police for Criminal Code Offences, Selected Police Jurisdictions, Canada, Mcy 1983 and 1984

SELECTED (1) POLICE JURISDICTION	(e) MAY, 1983	(2)(e) MAY, 1984	% CHANGE
WINNIPEG:			
Juveniles Clear by Charge			
- number	479	343	-28.4%
- as a % of total juveniles apprehended (3)	100.0	100.0	--
Population (4) at risk	53,662	55,272	+ 3.0%
Rate/100,000 total population	89	62	-30.3%
REGINA:			
Juveniles Clear by Charge			
- number	18	44	+144.4%
- as a % of total juveniles apprehended (3)	16.7	34.1	--
Population (4) at rick	9,701	10,603	+9.3%
Rate/100,000 total population	19	41	+115.8%
EDMONTON:			
Juveniles Clear by Charge			
- number	62	155	+150.0%
- as a % of total juveniles apprehended (3)	37.6	91.2	--
Population (4) at risk	30,328	30,813	+1.6%
Rate/100,000 total population	20	50	+150.0%
OTTAWA:			
Juveniles Clear by Charge			
- number	32	52	+62.5%
- as a % of total juveniles apprehended (3)	24.4	35.1	--
Population (4) at risk	15,065	15,125	+0.4%
Rate/100,000 total population	21	34	+61.9%
TORONTO:			
Juveniles Clear by Charge			
- number	436	320	-26. %
- as a % of total juveniles apprehended (3)	25.6	33.3	-
Population (4) at risk	180,412	180,232	-0. %
Rate/100,000 total population	24	18	-25. %

NOTES:

1) Excludes surrounding suburban areas which are not policed by the city police force.
2) Preliminary figures for May, 1984.
3) Juveniles charged shown as a percentage of figures which include both juveniles charged and juveniles not charged (i.e. a decision was made by the police to proceed informally)
4) Population figures are census figures for the respective populations at risk.

SOURCE(S):

1) May, 1983, Canadian Centre for Justice Statistics, Law Enforcement Program, unpublished data.
2) May, 1984, Individual police departments (preliminary figures).

APPENDIX 12

A COMPARISON OF MANITOBA TO THE SASKATCHEWAN CHILD WELFARE MODEL

A Comparison of Manitoba to Saskatchewan and The Child Welfare Model

During the consultation, particular attention was given to the youth justice process of the neighboring province of Saskatchewan, which has maintained a "Child Welfare" approach to juvenile justice. The case flow for Saskatchewan, albeit with an upper age limit of 16, appears as Figure A1. As Tables 5 and 6 showed, the Manitoba charge rates ranged from 1.5 to three times those in Saskatchewan for the various ages... 12, 13, and so on.

The aptness of this comparison was challenged by members of the Probation Service and others on several grounds. First it was aledged that because unlike Saskatchewan, 16 and 17 year-olds are dealt with in Manitoba, overall rates must take this into account. However the rate comparisons proceed on an age specific basis, so this argument fails. Secondly, it was argued that the inclusion of 16, 17 year-olds hardens the system - the attitudes towards 16 and 17 year-olds "bleed" down to the treatment of 12 to 15 year-olds. If this were the case, corrective steps could be taken. (Historically the Probation Service has made many of the charging decisions and so, if the problem exists, it is a reflection of the decision-making within the Probation Service.) And a comparison with other provinces also including 16 or 17 years as the maximum age of jurisdiction, shows Manitoba with the highest charge rates in the country.

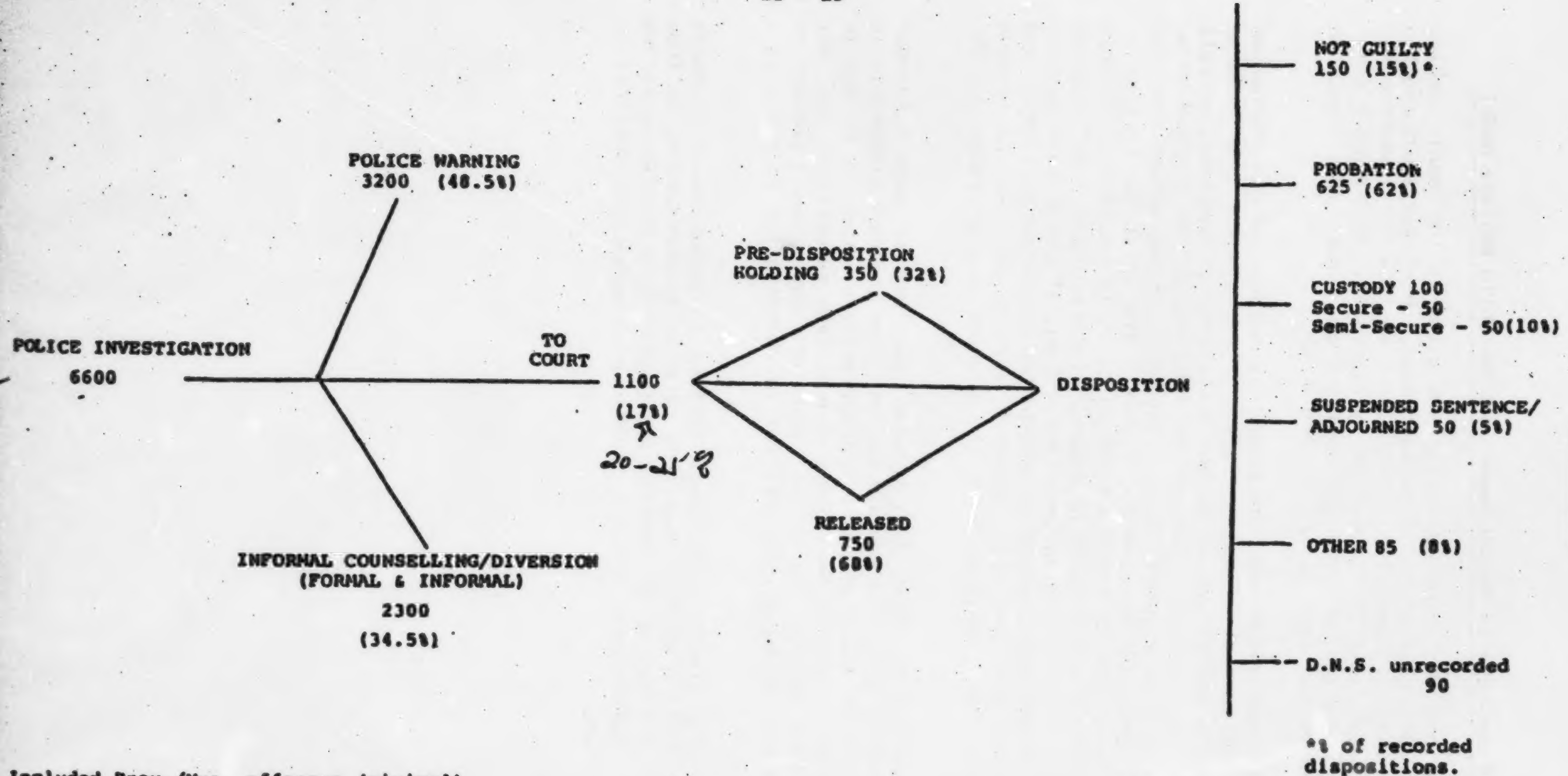
It was stated, anecdotally, that Saskatchewan may have allowed "serious" crimes to be diverted to the Child Welfare system. The argument presumably is that Manitoba deals with these offences appropriately - which is to say in court, and in so doing increases Manitoba's charge rate materially. Not so. As is shown in Appendix 14, serious crimes constitute such a small percentage of the total so as not to be a consideration in contributing to Manitoba's high rates.

It was argued that the diversion to Child Welfare in Saskatchewan probably simply inflates their Child Welfare caseloads relative to Manitoba's, so that youth are dealt with one way or the other. The figures from the two provinces show the reverse: Saskatchewan actually has lower figures for children in care, as Table A2 shows.

FIGURE A1

CHART I - SASKATCHEWAN YOUNG OFFENDERS SYSTEM 1980-81

12 - 15


POLICE INVESTIGATION
6600
POLICE WARNING
3200 (48.5%)
TO COURT
1100
(17%)
20-21%
INFORMAL COUNSELLING/DIVERSION
(FORMAL & INFORMAL)
2300
(34.5%)
PRE-DISPOSITION
HOLDING 350 (32%)
RELEASED
750
(68%)
DISPOSITION
NOT GUILTY
150 (15%)*
PROBATION
625 (62%)
CUSTODY 100
Secure - 50
Semi-Secure - 50(10%)
SUSPENDED SENTENCE/
ADJOURNED 50 (5%)
OTHER 85 (8%)
D.N.S. unrecorded
90
*% of recorded
dispositions.

Included Prov./Mun. offenses (minimal)

APPENDIX 12

TABLE A2 - Comparison of the Numbers of Children in Care and Child Care Agency Staff, Manitoba and Saskatchewan

	Manitoba(1)	Saskatchewan(5)
Children in Care		
Permanent Ward	1164(2)	1119
Temporary Ward	1187(3)	508(4)
On Apprehension	334	454
Other	146	105
Total	2831	2186
Child Care Staff		
Service	282	150
Supervisory	36	20
Total	318	170

Note: (1) March 1984 figures.
(2) Includes Court & U.S.G.
(3) Includes Temporary Wards + Temporary Contracts.
(4) Includes Temporary Wards + Voluntary Agreements.
(5) May 1984 figures.

Sources: Saskatchewan: Private conversation with staff of the Youth Services Section.
Manitoba: 1. Monthly Child Care Statistics.
2. Staffing charts for Child and Family Services and the various CAS's; excludes services by native organizations.

APPENDIX 13

A CALCULATION: THE PROPORTION OF SERVICES TO ADULTS OR YOUTH

The calculation of the ratio of staff-years proceeds as follows:

1. The Probation Service's internal annual statistics for 1983 reveal supervision caseloads of:

   Adults: 1487 (Winnipeg) plus 685 (rural) = 2172

   Juveniles: 701 (Winnipeg) plus 740 (rural) = 1441

   It was a view almost unanimously held by Senior Probation Officers that juvenile cases required 1.5 times the effort of adult cases. Therefore, in work units, the figures cited above become:

   Adults: = 2172 work units

   Juveniles: 1441 X 1.5 = 2161 work units

   - or near equality.

2. The Probation Service provided the following forecasts, for 1984, of the number of admissions to other forms of supervision and the number of reports (reference 15).

	Adults	Juveniles
Other Supervision	600	988
Reports	1317	4468
	1917	5456

In interpreting these figures, the reader may find the following helpful:

- on the newly introduced monthly statistical summaries within the Probation Service, other supervision cases and reports are assigned units weights in the same way (that is, an hourly cost for each activity is given), and hence the workloads associated with these activities may be aggregated through arithmetic addition; and

- the juvenile and adult activities within these categories were given equal weight.

Hence, it appears equitable to conclude that, with respect to these services, the ratio of effort, of juveniles to adults, is about 5,456 to 1,917 or 2.8:1.

3. Overall, the ratio of service effort of juveniles to adults will depend on the relative contribution of the services in items 1 and 2. Under some further reasonable assumptions - namely that the average direct service for supervision is about 1 hour a month or 12 hours a year, and the average service per report is about 4 hours - the contribution of item 1 is about 3 times that of item 2. Hence the weighted ratio is approximately 1.45:1.

APPENDIX 14

A CHILD WELFARE VERSUS A JUSTICE PROCESS FOR YOUTH:

TWO FACTORS AFFECTING THE CHOICE

a) Age of the Youth

First, we were informed by some judges, crown counsel, and legal aid lawyers that the age of a child has a distinct bearing on whether they see the case in child welfare or criminal justice terms. Thus, Family Services alternatives would be strongly indicated for "youth" in the lower age cohorts, say 12 to 13 year-olds and many 14 year-olds. While involbement with the justice system would be suggested for older "youth," including some 14 year-olds, but primarily those aged 15 to 17.

The transitional nature of the age range 12 to 17 is a foundation of the Young Offenders Act. Judge Omer Archambault, stressed that the Act rejects "the simple dichotomy of child and adult" and intercedes with "... [a] third crucial phase of maturation, namely adolescence." Quite clearly, however, the intention of the YOA is not to insist that 12 year-olds and 17 year-olds be treated similarly; by its nature a "transitional" period implies a change - in this case the fundamental change in the capacity for criminal responsibility - and from an operational point of view, some stages in the transition, however arbitrary, are called for.

The boundary age of 14 holds some attractions. Transfers to ordinary court are allowed only after a youth has attained the age of 14 years. Also other jurisdictions have reported, for instance:

- In Saskatchewan for youth under 14, a charge cannot be laid by the rural RCMP detachments - the case must be referred to "H" Division in Regina;

- PEI has indicated that youth 12 and 13 are referred to Childrens Services; and

- In Quebec, the Youth Protection Act provides for a lower age of 14.

The national statistics on the rate of charging juveniles in 1982 offer credible if not conclusive support to such destinctions. Figure 21 of the report summarizes this data.

The two noticeable features of this figure are:

- The plateau in age specific charge rates after age 14 (although this is, to a degree, an artifact of the limited numbers of provinces charging 16 and 17 year-olds). This is evidence of a consistency or a continuum in correctional treatment after age 14; contrasted with

- The rapid increase in age specific charge rates below age 15.

Thus, past practice of the criminal justice system in Canada suggests that some 14 year-olds, more 15 year-olds and most 16 and 17 year-olds have been treated similarly.

b) Nature of Offence

The second principle which provides a sense of direction in discriminating Child/Youth Services from Correctional Services is the nature of the offence. Where the offence is a minor one, this could be a mitigating consideration suggesting that the youth be considered for a child/youth service. On the other hand, where the offence is a serious one or where a persistent pattern of criminal behaviour has been established, it could be an influence in increasing the chances that a younger person be treated through the criminal justice system. Although the nature of the offence may be an overriding concern at times,* the following material on the frequency of offences offers interesting insights:

- Among Criminal Code offences with which 12 year-olds were charged, 34% were Theft Under $200.00 and Mischief while a further 44% were Break and Enter; while only 5% involved Against Person or Weapons Offences;

- Among Criminal Code offences with which 13 year-olds were charged, 35% were Theft Under $200.00 and Mischief, while a further 32% were Break and Enter; and only 3% involved Against Person or Weapons Offences;

- Among Criminal Code offences with which 14 year-olds were charged, 32% were Theft Under $200.00 and Mischief, while a further 35% were Break and Enter; and only 5.5% involved Against Person or Weapons Offences;

- Among Criminal Code offences with which 15 year-olds were charged, 30% were Theft Under $200.00 and Mischief, while a further 34% were Break and Enter; only 6.1% involved Against Person or Weapons Offences; and

- Among Criminal Code offences with which 16 year-olds were charged, 27% were Theft Under $200.00 and Mischief, while a further 45% involved Break and Enter; only 7.6% were Against Person or Weapons Offences.

These figures suggest that, were the nature of the offence to be utilized as an element in considering whether to involve Child/Youth Services rather than Correctional Services:

- Very few children would be exluded because they committed serious offences.

In conclusion, it appears that both age and offence can be used to assist in demarcating Child/Youth Services from Correctional Services.

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* Reference 4